

[Second Reprint]
SENATE, No. 3148

STATE OF NEW JERSEY
214th LEGISLATURE

INTRODUCED DECEMBER 8, 2011

Sponsored by:

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Senator SHIRLEY K. TURNER

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Assemblyman JON M. BRAMNICK

District 21 (Essex, Morris, Somerset and Union)

Co-Sponsored by:

Assemblymen O'Scanlon and Chivukula

SYNOPSIS

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

CURRENT VERSION OF TEXT

As amended by the General Assembly on January 9, 2012.

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

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

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

8
 9 1. (New section) a. (1) The question of moving the date of a
 10 school district's annual school election to the first Tuesday after the
 11 first Monday in November, to be held simultaneously with the
 12 general election, shall be submitted to the legal voters of ²**[the]** a
 13 local or regional school² district², other than a Type II district with
 14 a board of school estimate,² whenever a petition signed by not less
 15 than 15% of the ¹number of¹ legally qualified voters who voted in
 16 the district at the last preceding general election held for the
 17 election of ¹**[all of the members of the General Assembly]** electors
 18 for President and Vice-President of the United States¹ is filed with
 19 the board of education. The question shall be submitted to the
 20 voters of the district at the next ²**[annual school election, special**
 21 **school election, or]**² general election ²**[as determined by the board**
 22 **of education]**², provided that at least 60 days have lapsed since the
 23 date of the filing of the petition. In the event that the question is
 24 not approved by the voters, no petition may be filed to submit the
 25 question to the voters within one year after an election shall have
 26 been held pursuant to any petition filed pursuant to this subsection.

27 The date of the annual school election may be moved to the first
 28 Tuesday after the first Monday in November without voter
 29 approval, upon the adoption of a resolution by the board of
 30 education of a ²**[Type II school district without a board of school**
 31 **estimate]** local or regional school district, other than a Type II
 32 district with a board of school estimate,² or the governing body ²or
 33 bodies² of the municipality ²or municipalities² constituting the
 34 district.

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

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SSG committee amendments adopted December 15, 2011.

²Assembly floor amendments adopted January 9, 2012.

1 the budget year, other than the general fund tax levy required to
2 support a proposal for additional funds.

3 (3) ²~~【In the case of local school districts which are constituent~~
4 ~~districts of a limited purpose regional school district, each of those~~
5 ~~local school districts shall approve moving the date of the election~~
6 ~~to November, by any of the procedures established pursuant to this~~
7 ~~subsection, for any of those local school districts to move the date~~
8 ~~of the annual school election to the day of the general election. In】~~
9 In addition to the process set forth in paragraph (1) of this
10 subsection, in² the event that all the constituent districts ²of a
11 limited purpose regional school district² approve moving the date of
12 ²【the election】 their annual school elections to November, by any
13 of the procedures established pursuant to this subsection² , then the
14 ¹【date of the】¹ annual school election for the limited purpose
15 regional school district shall also be conducted simultaneously with
16 the general election.

17 (4) In the event that the date of a school district's annual school
18 election is moved to the day of the general election pursuant to this
19 subsection, the board of education and the county board of elections
20 shall enter into an agreement, pursuant to guidelines established by
21 the Secretary of State, under which the board of education shall pay
22 any agreed upon increase in the costs, charges, and expenses that
23 may be associated with holding the school election simultaneously
24 with the general election.

25 b. (1) In the case of a school district that has moved the date of
26 its annual school election to November pursuant to subsection a. of
27 this section, the question of moving the date of the school district's
28 annual school election to the third Tuesday in April shall be
29 submitted to the legal voters of ²~~【the】 a local or regional school²~~
30 ~~district ², other than a Type II district with a board of school~~
31 ~~estimate,² whenever a petition signed by not less than 15% of the~~
32 ~~¹number of¹ legally qualified voters who voted in the district at the~~
33 ~~last preceding general election held for the election of ¹【all of the~~
34 ~~members of the General Assembly】 electors for President and Vice-~~
35 ~~President of the United States¹ is filed with the board of education.~~
36 ~~The question shall be submitted to the voters of the district at the~~
37 ~~next ²【annual school election, special school election, or】² general~~
38 ~~election ²【as determined by the board of education】² , provided that~~
39 ~~at least 60 days have lapsed since the date of the filing of the~~
40 ~~petition.~~

41 The date of the annual school election may be moved to the third
42 Tuesday in April without voter approval, upon the adoption of a
43 resolution by the board of education of a ²~~【Type II school district~~
44 ~~without a board of school estimate】 local or regional school district,~~
45 ~~other than a Type II district with a board of school estimate,² or the~~

1 governing body ²or bodies² of the municipality ²or municipalities²
2 constituting the district.

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

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

13 (3) ²~~[In the case of local school districts which are constituent~~
14 ~~districts of a limited purpose regional school district, each of those~~
15 ~~local school districts shall approve moving the date of the election~~
16 ~~to April, by any of the procedures established pursuant to this~~
17 ~~subsection, for any of those local school districts to move the date~~
18 ~~of the annual school election to the third Tuesday in April. In] In~~
19 ~~addition to the process set forth in paragraph (1) of this subsection,~~
20 ~~in~~² the event that all the constituent districts ²of a limited purpose
21 regional school district² approve moving the date of ²~~[the election]~~
22 their annual school elections to the third Tuesday in April, by any
23 of the procedures established pursuant to this subsection², then the
24 ¹~~[date of the]~~¹ annual school election for the limited purpose
25 regional school district shall also be conducted on the third Tuesday
26 in April.

27

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

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

32 a. Within 30 days following the approval of the Educational
33 Adequacy Report, the commissioner shall notify each district of the
34 base per pupil amount, the per pupil amounts for full-day preschool,
35 the weights for grade level, county vocational school districts, at-
36 risk pupils, bilingual pupils, and combination pupils, the cost
37 coefficients for security aid and for transportation aid, the State
38 average classification rate and the excess cost for general special
39 education services pupils, the State average classification rate and
40 the excess cost for speech-only pupils, and the geographic cost
41 adjustment for each of the school years to which the report is
42 applicable.

43 Annually, within two days following the transmittal of the State
44 budget message to the Legislature by the Governor pursuant to
45 section 11 of P.L.1944, c.112 (C.52:27B-20), the commissioner
46 shall notify each district of the maximum amount of aid payable to
47 the district in the succeeding school year pursuant to the provisions
48 of P.L.2007, c.260 (C.18A:7F-43 et al.), and shall notify each

1 district of the district's adequacy budget for the succeeding school
2 year.

3 For the 2008-2009 school year and thereafter, unless otherwise
4 specified within P.L.2007, c.260 (C.18A:7F-43 et al.), aid amounts
5 payable for the budget year shall be based on budget year pupil
6 counts, which shall be projected by the commissioner using data
7 from prior years. Adjustments for the actual pupil counts of the
8 budget year shall be made to State aid amounts payable during the
9 school year succeeding the budget year. Additional amounts
10 payable shall be reflected as revenue and an account receivable for
11 the budget year.

12 Notwithstanding any other provision of this act to the contrary,
13 each district's State aid payable for the 2008-2009 school year, with
14 the exception of aid for school facilities projects, shall be based on
15 simulations employing the various formulas and State aid amounts
16 contained in P.L.2007, c.260 (C.18A:7F-43 et al.). The
17 commissioner shall prepare a report dated December 12, 2007
18 reflecting the State aid amounts payable by category for each
19 district and shall submit the report to the Legislature prior to the
20 adoption of P.L.2007, c.260 (C.18A:7F-43 et al.). Except as
21 otherwise provided pursuant to this subsection and paragraph (3) of
22 subsection d. of section 5 of P.L.2007, c.260 (C.18A:7F-47), the
23 amounts contained in the commissioner's report shall be the final
24 amounts payable and shall not be subsequently adjusted other than
25 to reflect the phase-in of the required general fund local levy
26 pursuant to paragraph (4) of subsection b. of section 16 of
27 P.L.2007, c.260 (C.18A:7F-58) and to reflect school choice aid to
28 which a district may be entitled pursuant to section 20 of that act.
29 The projected pupil counts and equalized valuations used for the
30 calculation of State aid shall also be used for the calculation of
31 adequacy budget, local share, and required local share. For 2008-
32 2009, extraordinary special education State aid shall be included as
33 a projected amount in the commissioner's report dated December
34 12, 2007 pending the final approval of applications for the aid. If
35 the actual award of extraordinary special education State aid is
36 greater than the projected amount, the district shall receive the
37 increase in the aid payable in the subsequent school year pursuant
38 to the provisions of subsection c. of section 13 of P.L.2007, c.260
39 (C.18A:7F-55). If the actual award of extraordinary special
40 education State aid is less than the projected amount, other State aid
41 categories shall be adjusted accordingly so that the district shall not
42 receive less State aid than as provided in accordance with the
43 provisions of sections 5 and 16 of P.L.2007, c.260 (C.18A:7F-47
44 and C.18A:7F-58).

45 In the event that the commissioner determines, following the
46 enactment of P.L.2007, c.260 (C.18A:7F-43 et al.) but prior to the
47 issuance of State aid notices for the 2008-2009 school year, that a
48 significant district-specific change in data warrants an increase in

1 State aid for that district, the commissioner may adjust the State aid
2 amount provided for the district in the December 12, 2007 report to
3 reflect the increase.

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

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

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

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

18 c. Annually, on or before March 4, each district board of
19 education shall adopt, and submit to the commissioner for approval,
20 together with such supporting documentation as the commissioner
21 may prescribe, a budget that provides for a thorough and efficient
22 education. Notwithstanding the provisions of this subsection to the
23 contrary, the commissioner may adjust the date for the submission
24 of district budgets if the commissioner determines that the
25 availability of preliminary aid numbers for the subsequent school
26 year warrants such adjustment.

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

31 (1) the district's advertised per pupil administrative costs for the
32 2004-2005 school year inflated by the cost of living or 2.5 percent,
33 whichever is greater; or

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

37 The executive county superintendent of schools may disapprove
38 the school district's 2005-2006 proposed budget if he determines
39 that the district has not implemented all potential efficiencies in the
40 administrative operations of the district. The executive county
41 superintendent shall work with each school district in the county
42 during the 2004-2005 school year to identify administrative
43 inefficiencies in the operations of the district that might cause the
44 superintendent to reject the district's proposed 2005-2006 school
45 year budget.

46 For the 2006-2007 school year and each school year thereafter,
47 each district board of education shall submit a proposed budget in

1 which the advertised per pupil administrative costs do not exceed
2 the lower of the following:

3 (1) the district's prior year per pupil administrative costs; except
4 that the district may submit a request to the commissioner for
5 approval to exceed the district's prior year per pupil administrative
6 costs due to increases in enrollment, administrative positions
7 necessary as a result of mandated programs, administrative
8 vacancies, nondiscretionary fixed costs, and such other items as
9 defined in accordance with regulations adopted pursuant to section
10 7 of P.L.2004, c.73. In the event that the commissioner approves a
11 district's request to exceed its prior year per pupil administrative
12 costs, the increase authorized by the commissioner shall not exceed
13 the cost of living or 2.5 percent, whichever is greater; or

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

17 d. (1) A [district shall submit, as appropriate, to the board of
18 school estimate or to the voters of the district at the annual school
19 budget election conducted pursuant to the provisions of P.L.1995,
20 c.278 (C.19:60-1 et al.), a] district's general fund tax levy [which
21 does] shall not exceed the district's adjusted tax levy as calculated
22 pursuant to sections 3 and 4 of P.L.2007, c.62 (C.18A:7F-38 and
23 18A:7F-39).

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

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

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

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

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

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

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

33 (9) Any district may submit at the annual school budget
34 election, in accordance with subsection c. of section 4 of P.L.2007,
35 c.62 (C.18A:7F-39), a separate proposal or proposals for additional
36 funds, including interpretive statements, specifically identifying the
37 program purposes for which the proposed funds shall be used, to the
38 voters, who may, by voter approval, authorize the raising of an
39 additional general fund tax levy for such purposes. In the case of a
40 district with a board of school estimate, one proposal for the
41 additional spending shall be submitted to the board of school
42 estimate. Any proposal or proposals submitted to the voters or the
43 board of school estimate shall not: include any programs and
44 services that were included in the district's prebudget year net
45 budget unless the proposal is approved by the commissioner upon
46 submission by the district of sufficient reason for an exemption to
47 this requirement; or include any new programs and services
48 necessary for students to achieve the thoroughness standards

1 established pursuant to subsection a. of section 4 of P.L.2007, c.260
2 (C.18A:7F-46).

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

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

17 "Your school district has proposed programs and services in
18 addition to the core curriculum content standards adopted by the
19 State Board of Education. Information on this budget and the
20 programs and services it provides is available from your local
21 school district."

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

30 e. (1) Any general fund tax levy rejected by the voters for a
31 proposed budget that includes a general fund tax levy and
32 equalization aid in excess of the adequacy budget shall be submitted
33 to the governing body of each of the municipalities included within
34 the district for determination of the amount that should be expended
35 notwithstanding voter rejection. In the case of a district having a
36 board of school estimate, the general fund tax levy shall be
37 submitted to the board for determination of the amount that should
38 be expended. If the governing body or bodies or board of school
39 estimate, as appropriate, reduce the district's proposed budget, the
40 district may appeal any of the reductions to the commissioner on the
41 grounds that the reductions will negatively impact on the stability of
42 the district given the need for long term planning and budgeting. In
43 considering the appeal, the commissioner shall consider enrollment
44 increases or decreases within the district; the history of voter
45 approval or rejection of district budgets; the impact on the local
46 levy; and whether the reductions will impact on the ability of the
47 district to fulfill its contractual obligations. A district may not

1 appeal any reductions on the grounds that the amount is necessary
2 for a thorough and efficient education.

3 (2) Any general fund tax levy rejected by the voters for a
4 proposed budget that includes a general fund tax levy and
5 equalization aid at or below the adequacy budget shall be submitted
6 to the governing body of each of the municipalities included within
7 the district for determination of the amount that should be expended
8 notwithstanding voter rejection. In the case of a district having a
9 board of school estimate, the general fund tax levy shall be
10 submitted to the board for determination. Any reductions may be
11 appealed to the commissioner on the grounds that the amount is
12 necessary for a thorough and efficient education or that the
13 reductions will negatively impact on the stability of the district
14 given the need for long term planning and budgeting. In
15 considering the appeal, the commissioner shall also consider the
16 factors outlined in paragraph (1) of this subsection.

17 In addition, the municipal governing body or board of school
18 estimate shall be required to demonstrate clearly to the
19 commissioner that the proposed budget reductions shall not
20 adversely affect the ability of the school district to provide a
21 thorough and efficient education or the stability of the district given
22 the need for long term planning and budgeting.

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

29 (4) When the voters, municipal governing body or bodies, board
30 of education in the case of a school district in which the annual
31 school election has been moved to November pursuant to subsection
32 a. of section 1 of P.L. , c. (C.) (pending before the
33 Legislature as this bill), or the board of school estimate authorize
34 the general fund tax levy, the district shall submit the resulting
35 budget to the commissioner within 15 days of the [action of the
36 voters or municipal governing body or bodies, whichever is later, or
37 of the board of school estimate as the case may be] authorization.

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

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

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

41

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

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

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

46 c. A school district may submit to the voters at the [April]
47 annual school election, or on such other date as is set by regulation
48 of the commissioner, a proposal or proposals to increase the

1 adjusted tax levy by more than the allowable amount authorized
2 pursuant to section 3 of P.L.2007, c.62 (C.18A:7F-38). The
3 proposal or proposals to increase the adjusted tax levy shall be
4 approved if a majority of people voting shall vote in the affirmative.
5 In the case of a school district with a board of school estimate, the
6 additional adjusted tax levy shall be authorized only if a quorum is
7 present for the vote and a majority of those board members who are
8 present vote in the affirmative to authorize the additional adjusted
9 tax levy.

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

14 (2) All proposals to increase the tax levy submitted pursuant to
15 this subsection shall include interpretive statements specifically
16 identifying the program purposes for which the proposed funds
17 shall be used and a clear statement on whether approval will affect
18 only the current year or result in a permanent increase in the levy.
19 The proposals shall be submitted and approved pursuant to sections
20 5 and 6 of P.L.1996, c.138 (C.18A:7F-5 and 18A:7F-6).

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

22 e. A school district that has not been granted approval to
23 exceed the cap pursuant to subsection c. of this section, may add to
24 its adjusted tax levy in any one of the next three succeeding budget
25 years, the amount of the difference between the maximum
26 allowable amount to be raised by taxation for the current school
27 budget year and the actual amount to be raised by taxation for the
28 current school budget year.

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

30

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

32 18A:8-20. The first board of education of the new district and
33 the first board of education of the remaining district shall each
34 prepare and submit, if applicable, to the voters of the district, as
35 required by law, the first budgets for said district and they shall
36 make proper provision for an election to be conducted, in
37 accordance with the provisions of P.L.1995, c.278 (C.19:60-1 et
38 al.), for the members of the board of education of the district to
39 replace the appointed members of the board, for such terms that
40 three members of the board of the district, as thereafter constituted,
41 will be elected each year, at an annual election to be held in the
42 district at the same time as that on which the next annual election
43 for the original district would have been held.

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

45

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

47 18A:8-36. At **【all elections】** any election in which an
48 appropriation must be authorized **【by】**, a majority of the total votes

1 cast thereon in all of the territory of the consolidated school district
2 shall be necessary for the authorization.

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

4

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

6 18A:9-10. If the membership of the board in any such district so
7 becoming a type II district is less than nine, it shall be increased to
8 nine by the election of added members at the next annual school
9 election, unless the adopting election shall have been held more
10 than 130 days or less than 60 days before the date fixed for such
11 annual school election, in which case they shall be elected at a
12 special school election which shall be called by the members of the
13 board so holding over~~],~~ if the adopting election was held more than
14 130 days before the annual school election, then not less than 60 or
15 more than 70 days after the adopting election, or if the adopting
16 election was held less than 60 days before the annual school
17 election, then not less than 60 or more than 70 days after such
18 annual school election, excluding in each instance from the
19 calculation of the period which will elapse between such 60 and 70
20 days any period which would elapse between the twenty-first day
21 before and the twenty-first day after any day fixed according to law
22 for the holding of any primary election for the general election or
23 general election or municipal election held within the district~~].~~

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

25

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

27 18A:10-3. Each board of education shall organize annually at a
28 regular meeting held not later than at 8 p.m. at which time new
29 members shall take office:

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

32 b. In all type II districts with an April school election on any
33 day of the first or second week following the ~~annual~~ April school
34 election.

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

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

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

42

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

44 18A:13-8. The board of education of a regional district shall
45 consist of nine members unless it consists of more than nine
46 constituent districts, in which case the membership shall be the
47 same as the number of constituent districts, plus one. If there are
48 nine or less constituent districts, the members of the board of

1 education of the regional district shall be apportioned by the
2 executive county superintendent or executive county
3 superintendents of the county or counties in which the constituent
4 districts are situate, among said districts as nearly as may be
5 according to the number of their inhabitants except that each
6 constituent district shall have at least one member.

7 In making the apportionment of the membership of a regional
8 board of education among the several school districts uniting to
9 create a regional school district having nine or less constituent
10 districts, as required by section 18A:13-36, there shall be subtracted
11 from the number of inhabitants of a constituent school district, as
12 shown by the last federal census officially promulgated in this
13 State, the number of such inhabitants who according to the records
14 of the Federal Bureau of the Census were patients in, or inmates of,
15 any State or federal hospital or prison, or who are military
16 personnel stationed at, or civilians residing within the limits of, any
17 United States Army, Navy or Air Force installation, located in such
18 constituent school district.

19 If there are more than nine constituent districts, the members on
20 the board shall be apportioned among the constituent districts and
21 the weight of their votes in all proceedings of the board shall be
22 determined by the appropriate executive county superintendent or
23 superintendents through the following procedure:

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

27 b. A representative ratio shall be calculated by adding the
28 number of inhabitants of all constituent districts and dividing the
29 sum by the board size.

30 c. All constituent districts shall be listed in ascending order of
31 their number of inhabitants. If the first constituent district in said
32 list has a number of inhabitants which is less than the representative
33 ratio, it shall be combined with the constituent district contiguous to
34 it having the smallest number of inhabitants. This process shall be
35 repeated for each successively larger constituent district or
36 combination of constituent districts until all remaining constituent
37 districts or combinations of constituent districts shall have a number
38 of inhabitants equal to, or exceeding the representative ratio. The
39 districts formed in this manner shall be known as representative
40 districts.

41 d. There shall be established a priority list according to the
42 method of equal proportions for the apportionment of the members
43 of the regional district board of education among the representative
44 districts.

45 e. The members of the regional district board of education shall
46 be apportioned among the representative districts according to the
47 method of equal proportions, and where a representative district is

1 composed of more than one constituent district, members shall be
2 elected at large from within the representative district.

3 f. The number of inhabitants of each representative district
4 shall be divided by the number of members assigned to that district
5 to find the number of inhabitants per members.

6 g. The vote to be cast by each member of the regional district
7 board of education in all proceedings of the board shall be
8 determined by dividing the number of inhabitants per member in the
9 representative district from which the member is elected by the
10 representative ratio for the regional district, and rounding off the
11 quotient to the nearest tenth of a full vote.

12 Wherever any statute or bylaw of the board requires decision in
13 any matter by vote of a majority of the board members, or of the
14 members present, this shall be interpreted as meaning a majority of
15 the weighted votes of all members, or of the members present, as
16 the case may be.

17 h. Whenever the above reapportionment procedure is used for a
18 regional district having more than nine constituent districts, the
19 terms of office of all incumbent board of education members shall
20 terminate on the day on which the annual organization meeting of
21 the board is held pursuant to N.J.S.18A:13-12 following
22 certification by the executive county superintendent of the
23 representative districts and the number of members to be elected
24 from each; provided, that if the reapportionment results in any
25 representative district retaining its former boundaries and the same
26 number of board members, that the members elected from such a
27 district shall serve the full term for which they were elected. All
28 other board members shall be elected in an election to be held on
29 the **[third Tuesday in April]** date of the annual school election at
30 least 60 days following certification by the executive county
31 superintendent for initial terms of office to be designated in advance
32 by the executive county superintendent so that, as nearly as
33 possible, one-third of the board shall be elected in each future year,
34 to serve for three-year terms, and where a representative district has
35 more than one member, their terms of office shall terminate in
36 different years.

37 If any constituent district is a consolidated district, or a district
38 composed of two or more municipalities, and

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

43 b. The regional district is an all purpose district,
44 the membership of the regional board of education from such
45 district shall be apportioned, and from time to time reapportioned,
46 and the members from the district shall be elected, as their
47 respective terms expire, in the same manner as though each of the

1 municipalities making up such constituent district were constituent
2 districts of the regional district.

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

4

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

6 18A:13-10. The board of education of each regional district
7 shall provide for the holding, in accordance with the provisions of
8 P.L.1995, c.278 (C.19:60-1 et al.), of an annual school election for
9 the regional district **[on the third Tuesday in April]**.

10 At such election there shall be elected for terms of three years,
11 **[beginning on any day of the first or second week following such**
12 **election,]** the members of the regional boards of education to
13 succeed those members of the board whose terms shall expire in
14 that year, except as is in this chapter provided for the election of the
15 first elected members of the board. The term of a member of a
16 regional board of education elected in April shall begin on any day
17 of the first or second week following the election. The term of a
18 member of a regional board of education elected in November shall
19 begin on any day of the first week in January.

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

21

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

23 18A:13-12. The board shall hold a regular meeting forthwith
24 after its first appointment, and annually thereafter on any day of the
25 first or second week following the annual school election in April,
26 at which it shall organize by the election, from among its members,
27 of a president and vice president, who shall serve until the
28 organization meeting next succeeding the election of their
29 respective successors as members of the board. In the case of a
30 regional district in which the annual school election is in
31 November, the organization meeting shall be held on any day of the
32 first week in January. If any board shall fail to organize within
33 **[said two weeks]** the designated period, the executive county
34 superintendent of the county, or the executive county
35 superintendents of the counties, in which the constituent districts
36 are situate, shall appoint, from among the members of the board, a
37 president and vice president to serve until the organization meeting
38 next succeeding the next election.

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

40

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

42 18A:13-13. The board shall appoint a secretary who may or may
43 not be a member of the board, for the term of one year beginning on
44 July 1, or January 15 in the case of a regional district in which the
45 annual school election is in November, following his appointment
46 but he shall continue to serve after the expiration of his term until
47 his successor is appointed and qualified. In a district which does not
48 have a treasurer of school moneys, the secretary shall give bond in

1 such amount and with such surety as the board shall direct. The
2 board shall be guided in its determination of the amount of coverage
3 necessary by a schedule of minimum limits promulgated by the
4 State Board of Education.

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

6
7 12. N.J.S.18A:13-14 is amended to read as follows:

8 18A:13-14. The board may appoint a treasurer of school moneys
9 who shall not be a member or employee of the board and it shall fix
10 his salary. His term of office shall expire annually on June 30 of
11 each year, **[but if]** or January 15 of each year in the case of a
12 regional district in which the annual school election is in
13 November. If a municipal officer is appointed treasurer, his term
14 shall cease if he ceases to hold his municipal office and in either
15 case, the treasurer shall continue in office after the expiration of his
16 term until his successor is qualified. He shall give bond in such
17 amount, and with such surety, as the board shall direct. The board
18 in its determination of the amount shall be guided by a schedule of
19 minimum limits to be promulgated by the State board.

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

21
22 13. N.J.S.18A:13-17 is amended to read as follows:

23 18A:13-17. a. The regional board of education shall, at each
24 annual April school election, submit to the voters of the regional
25 district the amount of money fixed and determined in its budget to
26 be voted upon for the use of the regional schools of the district for
27 the ensuing school year and may submit thereat any other question
28 authorized by this law to be submitted at such an election. The
29 board may, in submitting to the voters the amount of money to be
30 voted upon for the use of the regional schools of the district,
31 identify the amount of money determined to be the constituent
32 municipality's share. The board shall follow the procedures
33 established in section 5 of P.L.1996, c.138 (C.18A:7F-5) and
34 N.J.S.18A:22-33.

35 b. In the case of a regional district in which the annual school
36 election is in November, the regional board of education shall fix
37 and determine the district's budget for the ensuing school year and
38 may submit at the annual school election any question authorized
39 by law to be submitted at such an election. The board shall follow
40 the procedures established in section 5 of P.L.1996, c.138
41 (C.18A:7F-5), N.J.S.18A:22-33, and section 41 of P.L. _____,
42 c. (C. _____) (pending before the Legislature as this bill).

43 (cf: P.L.2001, c.26, s.1)

44
45 14. N.J.S.18A:13-19 is amended to read as follows:

46 18A:13-19. If the voters reject any of the items submitted at the
47 annual April school election, within two days thereafter the board
48 of education of the regional district shall certify to the governing

1 body of each municipality, included within the regional district, the
2 item or items so rejected, and such governing bodies, after
3 consultation with the board, and no later than May 19 shall
4 determine the amount or amounts for the ensuing school year and
5 cause the same to be certified by the respective municipal clerks to
6 the board of education of the regional district. The board and the
7 governing bodies shall follow the procedures established in section
8 5 of P.L.1996, c.138 (C.18A:7F-5) and N.J.S.18A:22-37.

9 (cf: P.L.1996, c.138, s.48)

10

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

12 18A:13-40. The board of education of a newly created regional
13 district may, prior to taking charge and control of the educational
14 facilities of the regional district, do all other acts and things which
15 may be necessary for the proper organization and functioning of the
16 public schools of the regional district during its first year, including
17 the making of contracts for the employment of necessary personnel
18 and for other proper purposes, the preparation and , if applicable,
19 submission to the voters of the regional district for their approval or
20 disapproval of the budget and the appropriations for the conduct of
21 the public schools of the regional district during its first school
22 year, the authorization of the purchase of real and personal
23 property, and the construction, enlargement and repair of buildings,
24 for school purposes, and the appropriations of the funds necessary
25 to carry out the same and the authorization of the issuance and sale
26 of bonds in order to provide for the payment therefor in whole or in
27 part and the calling and holding of special elections when necessary
28 for any such purposes and to carry out any or all of said purposes.

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

30

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

32 18A:13-46. The executive county superintendent of the county
33 in which any new constituent district of an enlarged regional district
34 shall be situate shall, not later than 30 days after the election for the
35 enlargement thereof, appoint one member of the enlarged board of
36 education of the regional district from among the qualified citizens
37 of each such new constituent district and the members so appointed
38 shall serve until the first Monday succeeding the first annual April
39 school election of the enlarged regional district and their successors
40 shall be elected at said election. In the case of a regional district in
41 which the annual school election is in November, the members so
42 appointed shall serve until the first week in January next succeeding
43 the first annual November school election of the enlarged regional
44 district and their successors shall be elected at that election. If by
45 reason of the enlargement of the district it becomes necessary to
46 reapportion the membership of the enlarged board of education the
47 executive county superintendent or superintendents of the county or
48 counties in which the constituent local districts of the enlarged

1 district are situate shall reapportion the membership of the enlarged
2 board of education in accordance with the provisions of sections
3 18A:13-8 and 18A:13-36, and at the same time shall designate the
4 number of members to be elected from each constituent school
5 district at the succeeding annual school election to be held therein
6 upon the expiration of the terms of office of the members of the
7 regional board then in office, in such manner that the representation
8 of the constituent districts shall be established in accordance with
9 such reapportionment at the earliest possible time but the members
10 then in office shall continue in office for the terms for which they
11 were elected or appointed notwithstanding such reapportionment.

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

13

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

15 18A:17-5. Each secretary shall be appointed by the board, by a
16 recorded roll call majority vote of its full membership, for a term to
17 expire not later than June 30 , or January 15 in the case of a school
18 district in which the annual school election is in November. of the
19 calendar year next succeeding that in which the board shall have
20 been organized, but he shall continue to serve after the expiration of
21 his term until his successor is appointed and qualified. The
22 secretary may be appointed from among the members of the board
23 and, subject to the provisions of this Title and any other law, the
24 board shall fix his compensation; provided, however, that the
25 secretary shall not receive compensation from the board for any
26 period during which he is an elected or appointed member of the
27 board.

28 In case of a vacancy in the office of secretary, the vacancy shall
29 be filled by the board within 60 days after the vacancy occurs and if
30 the board does not make such appointment within such time the
31 executive county superintendent shall appoint a secretary who shall
32 receive the same compensation as his predecessor in office received
33 and shall serve until a secretary is appointed by the board.

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

35

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

37 18A:22-26. At or after the public hearing but not later than April
38 8, the board of school estimate of a type II district having a board of
39 school estimate shall fix and determine by a recorded roll call
40 majority vote of its full membership the amount of money necessary
41 to be appropriated for the use of the public schools in the district for
42 the ensuing school year, exclusive of the amount which shall be
43 apportioned to it by the commissioner for the year pursuant to the
44 provisions of section 5 of P.L.1996, c.138 (C.18A:7F-5) and shall
45 make a certificate of the amount signed by at least a majority of all
46 members of the board, which shall be delivered to the board of
47 education and a copy thereof, certified under oath to be correct and
48 true by the secretary of the board of school estimate, shall be

1 delivered to the county board of taxation on or before April 15 in
2 each year and a duplicate of the certificate shall be delivered to the
3 board or governing body of each of the municipalities within the
4 territorial limits of the district having the power to make
5 appropriations of money raised by taxation in the municipalities or
6 political subdivisions and to the executive county superintendent of
7 schools and the amount shall be assessed, levied and raised under
8 the procedure and in the manner provided by law for the levying
9 and raising of special school taxes **[voted to be raised at an annual**
10 **or special election of the legal voters]** in other type II districts and
11 shall be paid to the board secretary or treasurer of school moneys,
12 as appropriate, of the district for such purposes.

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

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

23

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

25 18A:22-32. At or after the public hearing on the budget but not
26 later than 18 days prior to the April school election, the board of
27 education of each type II district having no board of school estimate
28 shall fix and determine by a recorded roll call majority vote of its
29 full membership the amount of money to be raised pursuant to
30 section 5 of P.L.1996, c.138 (C.18A:7F-5) and any additional
31 **[amounts]** funds to be voted upon by the legal voters of the district
32 at the **[annual]** April or November school election pursuant to
33 paragraph (9) of subsection d. of section 5 of that act, which sum or
34 sums shall be designated in the notice calling the election as
35 required by law.

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

37

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

39 18A:22-33. a. The board of education of **[each]** a type II district
40 not having a board of school estimate shall at **[each annual]** the
41 April school election, submit to the voters of the district, the
42 amount of money fixed and determined in its budget pursuant to
43 section 5 of P.L.1996, c.138 (C.18A:7F-5), excluding therefrom the
44 sum or sums stated therein to be used for interest and debt
45 redemption charges, in the manner provided by law, to be voted
46 upon for the use of the public schools of the district for the ensuing
47 school year, which amount shall be stated in the notice of the
48 election, and the legal voters of the district shall determine at the

1 April election, by a majority vote of those voting upon the
2 proposition, the sum or sums, not exceeding those stated in the
3 notice of the election, to be raised by special district tax for said
4 purposes, in the district during the ensuing school year and the
5 secretary of the board of education shall certify the amount so
6 determined upon, if any, and the sums so stated for interest and debt
7 redemption charges, to the county board of taxation of the county
8 within two days following the certification of the election results
9 and the amount or amounts so certified shall be included in the
10 taxes assessed, levied and collected in the municipality or
11 municipalities comprising the district for such purposes; except
12 that, in the case of a district which , following the school election
13 and the approval by the voters of the sum to be raised by special
14 district tax for the schools of the district, determines that it has a
15 greater surplus account available for the school year than estimated
16 when the sum to be raised by special district tax was presented to
17 the voters, the secretary of the board of education, with the approval
18 of the commissioner, may between the date of the school election
19 and the delivery of tax bills pursuant to R.S.54:4-64 re-certify to the
20 county board of taxation the sum or sums to be raised by special
21 district tax in the district during the ensuing school year, if the sum
22 is lower than that approved by the voters in the school election, and
23 if the reduction is equivalent to the additional amount available in
24 the surplus account to be applied towards the district's budget. The
25 amount re-certified shall be included in the taxes assessed, levied
26 and collected in the municipality or municipalities comprising the
27 district.

28 b. In the case of a district in which the annual school election is
29 in November pursuant to subsection a. of section 1 of P.L. _____,
30 c. (C. _____) (pending before the Legislature as this bill), by May 19
31 the secretary of the board of education shall certify the amount
32 fixed and determined by the school board pursuant to N.J.S.18A:22-
33 32 other than any additional funds to be voted upon by the legal
34 voters of the district and the sums so stated for interest and debt
35 redemption charges, to the county board of taxation of the county
36 and the amount or amounts so certified shall be included in the
37 taxes assessed, levied and collected in the municipality or
38 municipalities comprising the district for such purposes; except
39 that, in the case of a district which determines that it has a greater
40 surplus account available for the school year than estimated when
41 the sum to be raised by special district tax was certified to the
42 county board of taxation of the county, the secretary of the board of
43 education, with the approval of the commissioner, may between
44 May 19 and the delivery of tax bills pursuant to R.S.54:4-64 re-
45 certify to the county board of taxation the sum or sums to be raised
46 by special district tax in the district during the ensuing school year,
47 if the sum is lower than that initially certified to the county board
48 of taxation of the county, and if the reduction is equivalent to the

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

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

6
7 21. N.J.S.18A:22-37 is amended to read as follows:

8 18A:22-37. If the voters reject any of the items submitted at the
9 annual April school election, the board of education shall deliver
10 the proposed school budget pursuant to section 5 of P.L.1996, c.138
11 (C.18A:7F-5) to the governing body of the municipality, or of each
12 of the municipalities included in the district within two days
13 thereafter. The governing body of the municipality, or of each of
14 the municipalities, included in the district shall, after consultation
15 with the board, and by May 19, determine the amount which, in the
16 judgment of the body or bodies, is necessary to be appropriated for
17 each item appearing in the budget, pursuant to section 5 of
18 P.L.1996, c.138 (C.18A:7F-5) and certify to the county board of
19 taxation the totals of the amount so determined to be necessary for
20 each of the following:

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

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

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

32
33 22. N.J.S.18A:22-38 is amended to read as follows:

34 18A:22-38. If the governing body or bodies fail to certify any
35 amount determined to be necessary pursuant to section 5 of
36 P.L.1996, c.138 (C.18A:7F-5) for any item rejected at the annual
37 April school election, or in the event that the governing bodies of
38 the municipalities comprising a school district, shall certify
39 different amounts, then the commissioner shall determine the
40 amount or amounts which in his judgment, are necessary to be
41 appropriated, for each of the items appearing in the budget,
42 submitted to the governing body or bodies, and certify to the county
43 board of taxation the totals of the amount determined to be
44 necessary for the general fund expenses of the schools; and the
45 amount certified shall be included in the taxes to be assessed, levied
46 and collected in the municipality or municipalities for those
47 purposes.

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

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

2 18A:22-41. In any Type II district **[in which the amount, with**
3 any interest to be paid thereon, to be raised, levied and collected by
4 taxes for school purposes is determined by the voters of the district**]**
5 not having a board of school estimate , the board of education shall
6 cause the question, whether or not the amount so estimated shall be
7 so raised, to be submitted to the legal voters of the district at a
8 special school election, to be held on such date as shall be
9 determined upon by the board, and if at said election the question
10 shall be adopted, the secretary shall certify that the amount so
11 determined upon has been authorized to be raised in said manner to
12 the county board of taxation within five days after the date of the
13 holding of such election.

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

15

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

17 19:1-1. As used in this Title:

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

21 "General election" means the annual election to be held on the
22 first Tuesday after the first Monday in November and, where
23 applicable, includes annual school elections 'held on that date'.

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

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

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

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

34 "Municipality" includes any city, town, borough, village, or
35 township.

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

39 "Public office" includes any office in the government of this
40 State or any of its political subdivisions filled at elections by the
41 electors of the State or political subdivision.

42 "Public question" includes any question, proposition or
43 referendum required by the legislative or governing body of this
44 State or any of its political subdivisions to be submitted by
45 referendum procedure to the voters of the State or political
46 subdivision for decision at elections.

47 "Political party" means a party which, at the election held for all
48 of the members of the General Assembly next preceding the holding

1 of any primary election held pursuant to this Title, polled for
2 members of the General Assembly at least 10% of the total vote cast
3 in this State.

4 "Party office" means the office of delegate or alternate to the
5 national convention of a political party or member of the State,
6 county or municipal committees of a political party.

7 "Masculine" includes the feminine, and the masculine pronoun
8 wherever used in this Title shall be construed to include the
9 feminine.

10 "Presidential year" means the year in which electors of President
11 and Vice-President of the United States are voted for at the general
12 election.

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

16 "District board" means the district board of registry and election
17 in an election district.

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

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

21 "Commissioner" means the commissioner of registration in
22 counties.

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

26 (cf: P.L.2011, c.134, s.1)

27

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

29 19:12-7. a. The county board in each county shall cause to be
30 published in a newspaper or newspapers which, singly or in
31 combination, are of general circulation throughout the county, a
32 notice containing the information specified in subsection b. hereof,
33 except for such of the contents as may be omitted pursuant to
34 subsection c. or d. hereof. Such notice shall be published once
35 during the 30 days next preceding the day fixed for the closing of
36 the registration books for the primary election, once during the
37 calendar week next preceding the week in which the primary
38 election for the general election is held, once during the 30 days
39 next preceding the day fixed for the closing of the registration
40 books for the general election, and once during the calendar week
41 next preceding the week in which the general election is held.

42 b. Such notice shall set forth:

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

44 (a) That a primary election for making nominations for the
45 general election, for the selection of members of the county
46 committees of each political party, and in each presidential year for
47 the selection of delegates and alternates to national conventions of

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

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

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

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

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

17 (f) In the case of the notice published during the calendar week
18 next preceding the week in which the primary election is held, that
19 a voter who, prior to the election, shall have moved within the same
20 county without (i) filing, on or before the 21st day preceding the
21 election, a notice of change of residence with the commissioner of
22 registration of the county or the municipal clerk of the municipality
23 in which the voter resides on the day of the election, (ii) returning
24 the confirmation notice sent to the voter by the commissioner of
25 registration of the county, if such a notice has been sent to the voter,
26 or (iii) otherwise notifying the commissioner of registration of the
27 voter's change of address within the county shall be permitted to
28 correct the voter's registration and to vote in the primary election by
29 provisional ballot at the polling place of the district in which the
30 voter resides on the day of the election. The notice shall further
31 provide that the voter may contact the county commissioner of
32 registration or municipal clerk to determine the proper polling place
33 location for the voter.

34 (2) For the general election:

35 (a) That a general election will be held on the day and between
36 the hours and at the places provided for by or pursuant to this Title
37 and, where applicable, shall include 'annual' school elections 'held
38 on that date' .

39 (b) The place or places at which and hours during which a
40 person may register, the procedure for transfer of registration, and
41 the date on which the books are closed for registration or transfer of
42 registration.

43 (c) The several State, county and municipal offices, and where
44 applicable, school board offices to be filled, notice of any school
45 district propositions to be submitted to the people and, except as
46 provided in R.S.19:14-33 of this Title as to publication of notice of
47 any Statewide proposition directed by the Legislature to be

1 submitted to the people, the State, county and municipal public
2 questions to be voted upon at such general election.

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

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

10 (f) In the case of the notice published during the calendar week
11 next preceding the week in which the general election is held, that a
12 voter who, prior to the election, shall have moved within the same
13 county without (i) filing, on or before the 21st day preceding the
14 election, a notice of change of residence with the commissioner of
15 registration of the county or the municipal clerk of the municipality
16 in which the voter resides on the day of the election, (ii) returning
17 the confirmation notice sent to the voter by the commissioner of
18 registration of the county, if such a notice has been sent to the voter,
19 or (iii) otherwise notifying the commissioner of registration of the
20 voter's change of address within the county shall be permitted to
21 correct the voter's registration and to vote in the general election by
22 provisional ballot at the polling place of the district in which the
23 voter resides on the day of the election. The notice shall further
24 provide that the voter may contact the county commissioner of
25 registration or municipal clerk to determine the proper polling place
26 location for the voter.

27 (3) For a school election:

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

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

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

32 (d) That a voter who, prior to the election, shall have moved
33 within the same county without (i) filing, on or before the 21st day
34 preceding the election, a notice of change of residence with the
35 commissioner of registration of the county or the municipal clerk of
36 the municipality in which the voter resides on the day of the
37 election, (ii) returning the confirmation notice sent to the voter by
38 the commissioner of registration of the county, if such a notice has
39 been sent to the voter, or (iii) otherwise notifying the commissioner
40 of registration of the voter's change of address within the county
41 shall be permitted to correct the voter's registration and to vote in
42 the school election by provisional ballot at the polling place of the
43 district in which the voter resides on the day of the election,

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

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

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

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

9 (2) All offices to be filled, or nominations made therefor, or
10 public questions to be voted upon, by the voters of the entire State
11 or of the entire county shall be set forth in a newspaper or
12 newspapers which, singly or in combination, have general
13 circulation throughout the county;

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

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

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

23 f. The cost of publishing the notices required by this section
24 shall be paid by the respective counties, unless otherwise provided
25 for by law.

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

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

33

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

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

1 the voter," and immediately to the right there shall be a bracket
2 embracing the following instructions numbered consecutively:

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

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

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

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

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

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

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

30 Below the above-stated instructions and information and, except
31 when compliance with **[section 19:14-15 of this Title]** R.S.19:14-
32 13 as to Statewide propositions otherwise requires, three inches
33 below the perforated line and parallel to it, there shall be printed a
34 six-point diagram rule extending across the ballot to within not less
35 than a half inch to the right and left edges of the paper.

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

37

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

39 19:14-8. In the columns of each of the political parties which
40 made nominations at the next preceding primary election to the
41 general election and in the personal choice column, within the space
42 between the two-point hair line rules, there shall be printed the title
43 of each office to be filled at such election, except as hereinafter
44 provided.

45 Such titles of office shall be arranged in the following order:
46 electors of President and Vice-President of the United States;
47 member of the United States Senate; Governor; member of the
48 House of Representatives; member of the State Senate; members of

1 the General Assembly; county executive, in counties that have
2 adopted the county executive plan of the "Optional County Charter
3 Law," P.L.1972, c.154 (C.40:41A-1 et seq.); sheriff; county clerk;
4 surrogate; register of deeds and mortgages; county supervisor;
5 members of the board of chosen freeholders; coroners; mayor and
6 members of municipal governing bodies, and any other titles of
7 office. Candidates for members of a school board shall be listed in
8 a section of the ballot that is '【clearly】' separate from the section
9 featuring other candidates 'whenever possible' . Above each of
10 such titles of office, except the one at the top, shall be printed a
11 two-point diagram rule in place of the two-point hair line rule.
12 Below the titles of such offices shall be printed the names of the
13 candidates for the offices.

14 The arrangement of the names of candidates for any office for
15 which more than one are to be elected shall be determined in the
16 manner hereinafter provided, as in the case of candidates nominated
17 by petition.

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

21 Immediately to the left of the name of each candidate, at the
22 extreme left of each column, including the personal choice column,
23 shall be printed a square, one-quarter of an inch in size, formed by
24 two-point diagram rules. In the personal choice column no names
25 of candidates shall be printed.

26 To the right of the title of each office in the party columns and
27 the personal choice column shall be printed the words "Vote for,"
28 inserting in words the number of persons to be elected to such
29 office.

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

31

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

33 19:14-10. In the column or columns designated as nominations
34 by petition, within the space between the two-point hair line rules,
35 there shall be printed the title of each office for which nominations
36 by petition have been made.

37 Such titles of office shall be arranged in the following order:
38 electors of President and Vice-President of the United States;
39 member of the United States Senate; Governor and Lieutenant
40 Governor; member of the House of Representatives; member of the
41 State Senate; members of the General Assembly; county executive,
42 in counties that have adopted the county executive plan of the
43 "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et
44 seq.); sheriff; county clerk; surrogate; register of deeds and
45 mortgages; county supervisor; members of the board of chosen
46 freeholders; coroners; mayor and members of municipal governing
47 bodies; members of the school board, when appropriate, and any
48 other titles of office.

1 Above each of the titles of office, except the one on the top, shall
2 be printed a two-point diagram rule in place of the two-point hair
3 line rule. Below the titles of each of the offices shall be printed the
4 names of each of the candidates for each of such offices followed
5 by the designation or designations mentioned in the petitions filed.

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

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

14 To the right of the title of each office shall be printed the words
15 "Vote for " inserting in words the number of candidates to be
16 elected to such office.

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

18

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

20 19:14-16. The words to be printed on the perforated coupon
21 shall be printed in twelve-point bold-faced capital letters and the
22 figures in eighteen and twenty-two-point bold-faced type. At the
23 head of the ballot the words "Official General Election Ballot" shall
24 be printed in at least thirty-point bold-faced capital letters. The
25 name of municipality, ward, school district, election district, and
26 date, as appropriate, shall be printed in twelve-point bold-faced
27 capital letters. The words "Instructions to the voter" shall be
28 printed in twelve-point bold-faced capitals and small letters, while
29 the instructions embraced within the brackets shall be printed in
30 eight-point bold-faced capital and small letters. The column
31 designations shall be printed in eighteen-point bold-faced capital
32 letters and the accompanying instructions shall be printed in eight-
33 point capitals and small letters. The titles of office and
34 accompanying instructions shall be printed in ten-point bold-faced
35 capital and small letters. When there is no nomination made at the
36 primary for an office, the title shall be printed in the space where
37 such title should appear, and the words "No Nomination Made" in
38 type large enough to fill the entire space or spaces shall be printed
39 therein. The names of all candidates shall be printed in ten-point
40 capital letters. The designations following the candidates' names in
41 the nomination by petition column or columns shall be printed in
42 ten-point capitals and small letters, except that where they overrun
43 the space within the column the designations may be abbreviated,
44 and all spaces between the two-point hair line rules not occupied by
45 the titles of office and names of candidates shall be printed in with
46 scroll or filling to guide the voter against wrongly marking the
47 ballot. On the foot of the ballot the words "Public Questions to be
48 Voted Upon" shall be printed in eighteen-point bold-faced capital

1 letters. The accompanying instructions shall be printed in eight-
2 point capital and small letters. The public questions to be voted
3 upon shall be printed in ten-point capital and small letters, and the
4 words "Yes" and "No" shall be printed in twelve-point bold-faced
5 capital letters.

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

7

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

9 19:14-22. The official general election sample ballots shall be as
10 nearly as possible facsimiles of the official general election ballot to
11 be voted at such election and shall have printed thereon, after the
12 words which indicate the number of the election district for which
13 such sample ballots are printed, the name of the school district,
14 when appropriate, the street address or location of the polling place
15 in the election district, the hours between which the polls shall be
16 open, and shall be printed on paper different in color from the
17 official general election ballot, and have the following words
18 printed in large type at the top: "This ballot cannot be voted. It is a
19 sample copy of the official general election ballot used on election
20 day."

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

22

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

24 19:15-2. The district boards shall open the polls for such
25 election at 6:00 A.M. and close them at 8:00 P.M., and shall keep
26 them open during the whole day of election between these hours;
27 except that for a school election held at a time other than at the time
28 of the general election the polls shall be open between the hours of
29 5:00 P.M. and 9:00 P.M. and during any additional time which the
30 school board may designate between the hours of 7:00 A.M. and
31 9:00 P.M.

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

36 At no time from the opening of the polls to the completion of the
37 canvass shall there be less than a majority of the board present in
38 the polling room or place, except that during a school election held
39 at a time other than at the time of the general election there shall
40 always be at least one member of each district election board
41 present or if more than two district board members are designated to
42 serve at the polling place, at least two members present.

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

44

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

46 19:45-6. The compensation of each member of the district
47 boards for all services performed by them under the provisions of
48 this Title shall be as follows:

1 In all counties, for all services rendered including the counting of
2 the votes, and in counties wherein voting machines are used, the
3 tabulation of the votes registered on the voting machines, and the
4 delivery of the returns, registry binders, ballot boxes and keys for
5 the voting machines to the proper election officials, \$200 each time
6 the primary election, the general election or any special election is
7 held under this Title; provided, however, that:

8 a. (1) The member of the board charged with the duty of
9 obtaining and signing for the signature copy registers shall receive
10 an additional \$12.50 per election, such remuneration being limited
11 to only one board member per election, or \$6.25 to each of two
12 board members if they share such responsibility for the signature
13 copy registers, and (2) the member of the board charged with the
14 duty of returning the signature copy registers shall receive an
15 additional \$12.50 per election, such remuneration being limited to
16 only one board member per election, or \$6.25 to each of two board
17 members if they share such responsibility for the signature copy
18 registers;

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

24 c. In counties wherein voting machines are used no
25 compensation shall be paid for any services rendered at any special
26 election held at the same time as any primary or general election.
27 Such compensation shall be in lieu of all other fees and payments;
28 and

29 d. Compensation for district board members serving at a school
30 election held at a time other than the time of the general election
31 shall be paid by the board of education of the school district
32 conducting the election at an hourly rate of \$5.77, except that the
33 board of education may compensate such district board members at
34 a pro-rated hourly rate consistent with the daily rate up to a
35 maximum of \$14.29. The provisions of subsections a., b., and c. of
36 this section shall also apply to district board members serving at a
37 school election held at a time other than at the time of the general
38 election, except that in the case of subsection b., the compensation
39 shall be at an hourly rate of \$3.85.

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

46
47 33. Section 1 of P.L.1995, c.278 (C.19:60-1) is amended to read
48 as follows:

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

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

18 An annual school election shall be held simultaneously with the
19 general election on the first Tuesday after the first Monday in
20 November in school districts in which the annual school election
21 has been moved to that date pursuant to subsection a. of section 1 of
22 P.L. , c. (C.) (pending before the Legislature as this bill).
23 The annual school election in November shall be for the purpose of
24 submitting a proposal to the voters for the approval of additional
25 funds pursuant to paragraph (9) of subsection d. of section 5 of
26 P.L.1996, c.138 (C.18A:7F-5), for the purpose of electing members
27 of the board of education, and for any other purpose authorized by
28 law.

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

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

36

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

39 3. a. Notwithstanding the provisions of R.S.19:6-1, for school
40 elections held at times other than at the time of the general election
41 the county board of the county in which the election district is
42 located shall designate two members of the district board of election
43 to perform all the duties of the district board for that election,
44 except that where electronic voting systems are in use in any
45 election district in which there are more than 900 registered voters,
46 the county board shall designate four members of the district board
47 to perform all the duties of the district board for that election.
48 Notwithstanding the provisions of R.S.19:6-10, the county board

1 shall appoint one of the persons so designated to serve as judge and
2 the other or another, as the case may be, of those persons so
3 designated to serve as inspector for school elections.

4 b. Notwithstanding the provisions of subsection a. or any other
5 law to the contrary:

6 (1) Upon the request of a board of education or the clerk of a
7 municipality in the county or upon its own initiative, the county
8 board may designate the polling place and voting equipment of one
9 election district to serve as the polling place and voting equipment
10 for the voters of one or more other election districts for school
11 elections held at times other than at the time of the general election.
12 Such a designation shall be based on the casting of no more than
13 500 ballots during each of the two preceding annual April school
14 elections by the voters of the election districts for which that polling
15 place is designated. If, at two consecutive annual April school
16 elections thereafter, the number of ballots cast by the voters in those
17 election districts is more than 500, the county board shall effect an
18 appropriate revision of the election districts using that polling place.
19 If a request is from a municipal clerk, the request shall apply only
20 to the election districts in that municipality.

21 (2) If one polling place is designated for two or more election
22 districts, the county board shall designate at least two members
23 from among the members of the district boards of election of those
24 election districts to perform all the duties of the district board for
25 the school election held at times other than at the time of the
26 general election. The county board shall also appoint one of the
27 persons so designated to serve as judge and another of those persons
28 to serve as inspector for school elections.

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

30

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

33 4. The secretary of each board of education shall, not later than
34 10 o'clock a.m. of the 18th day preceding the annual April school
35 election or a special school election, make and certify and forward
36 to the clerk of the county in which the school district is located a
37 statement designating the public question to be voted upon by the
38 voters of the district which may be required pursuant to the
39 provisions of P.L.1995, c.278 (C.19:60-1 et al.) or Title 18A of the
40 New Jersey Statutes.

41 The secretary of each board of education of a school district in
42 which the annual school election has been moved to November
43 pursuant to subsection a. of section 1 of P.L. , c. (C.)
44 (pending before the Legislature as this bill), not later than 10
45 o'clock a.m. of the 60th day preceding the November school
46 election, shall make and certify and forward to the clerk of the
47 county in which the school district is located a statement
48 designating any public question to be voted upon by the voters of

1 the district which may be required pursuant to the provisions of
2 P.L.1995, c.278 (C.19:60-1 et al.) or Title 18A of the New Jersey
3 Statutes.

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

5

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

8 7. Each candidate to be voted upon at a school election shall be
9 nominated directly by petition, and the procedures for such
10 nomination shall, to the extent not inconsistent with the provisions
11 of P.L.1995, c.278 (C.19:60-1 et al.), conform to the procedure for
12 nominating candidates by direct petition under chapter 13 of Title
13 19 of the Revised Statutes. Notwithstanding the provisions of
14 R.S.19:13-5, however, a petition of nomination for such office shall
15 be signed by at least 10 persons, one of whom may be the
16 candidate, and filed with the secretary of the board of education on
17 or before four p.m. of the 50th day preceding the date of the April
18 school election '[and] or with the county clerk on or before four
19 p.m. of' the '[64th day preceding the date of] day of the holding of
20 the primary election for the general election for candidates seeking
21 election as a member of a board of education at' the November
22 school election, as applicable. The signatures need not all appear
23 upon a single petition and any number of petitions may be filed on
24 behalf of any candidate but no petition shall contain the
25 endorsement of more than one candidate.

26 Any candidate may withdraw as a candidate in a school election
27 by filing a notice in writing, signed by the candidate, of such
28 withdrawal with the secretary of the board of education before the
29 44th day before the date of the April election or 'with the county
30 clerk on' the '[54th] 60th' day before the date of the November
31 election, as applicable, and thereupon the name of that candidate
32 shall be withdrawn by the secretary of the board of education and
33 shall not be printed on the ballot.

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

38 Whenever written objection to a petition of nomination
39 hereunder shall have been made and timely filed with the secretary
40 of the board of education 'or with the county clerk, as may be
41 appropriate', the board of education shall file its determination of
42 the objection on or before the 44th day preceding the April school
43 election or 'the county clerk shall file the clerk's determination of
44 the objection on or before' the '[61st] 10th' day '[preceding] after
45 the last day for the filing of petitions for candidates seeking election
46 as a member of a board of education at' the November school
47 election, as applicable. The last day upon which a candidate may

1 file with the Superior Court a verified complaint setting forth any
2 invasion or threatened invasion of the candidate's rights under the
3 candidate's petition of nomination shall be the 46th day before the
4 April election or the '[52nd] 12th' day '[before] after the last day
5 for the filing of petitions for candidates seeking election as a
6 member of a board of education at' the November election, as
7 applicable. The last day upon which a candidate whose petition of
8 nomination or any affidavit thereto is defective may amend such
9 petition or affidavit shall be the 44th day before the April election
10 or the '[54th] 10th' day '[before] after the last day for the filing of
11 petitions for candidates seeking election as a member of a board of
12 education at' the November election, as applicable.

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

14

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

17 9. The ballot for a school election shall be a single or blanket
18 form of ballot, upon which shall be printed in bold-faced type
19 the words "OFFICIAL SCHOOL ELECTION BALLOT" or
20 "OFFICIAL SPECIAL SCHOOL ELECTION BALLOT," as
21 appropriate.

22 Any public question which is to be submitted to the voters at a
23 school election shall be printed in a separate space below or to the
24 right of, as the county clerk shall determine, the listing of
25 candidates in the election.

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

39 All public questions to be voted upon at a school election by the
40 voters of more than one municipality shall be placed first before
41 any question to be voted upon at that election by the voters of a
42 single municipality. When the public question to be voted upon by
43 the voters of a regional school district is the amount of money to be
44 raised for the use of the regional schools of the district, the amount
45 of money determined to be the constituent municipality's share
46 thereof may be identified on the ballot pursuant to N.J.S.18A:13-17.

47 Every county clerk shall have ready for the printer a copy of the
48 contents of official ballots required by law to be printed for use at a

1 school election, as follows: in the case of the annual April school
2 election, not later than the 17th day preceding that election; **[and]**
3 in the case of any special school election, not later than two
4 business days following receipt by the clerk of official notice of the
5 complete content of the ballot to be voted upon at that election; and
6 in the case of the annual November school election, in accordance
7 with the provisions of R.S.19:14-1.

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

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

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

21

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

24 11. The district board of election shall, for any school election
25 held at a time other than the time of the general election, utilize a
26 poll list instead of the signature copy register. The poll list shall be
27 arranged in a column or columns appropriately headed so as to
28 indicate the election, the date thereof, and the school district and
29 election district in which the same is used, in such a manner that
30 each voter voting in the polling place at the election may sign the
31 voter's name and state the voter's address therein and the number of
32 the voter's official ballot may be indicated opposite the signature.
33 The district board shall compare the signature in the poll lists with
34 that in the signature copy registers before accepting the ballot.

35 If one polling place is designated for two or more election
36 districts pursuant to subsection b. of section 3 of P.L.1995, c.278
37 (C.19:60-3), the provisions of this section shall apply to the
38 members of the district boards of election designated to serve as the
39 election officers at the polling place for those election districts. The
40 signature copy registers for those election districts shall be provided
41 to those election officers.

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

43

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

46 12. All costs, charges and expenses, including the compensation
47 of the members of the district boards and the compensation and
48 expenses of the county board of elections, the county

1 superintendent of elections, the clerk of the county, and the
2 municipal clerks for any school election held at a time other than
3 the time of the general election shall be paid by the board of
4 education of the school district. All costs, charges and expenses
5 submitted to the board of education for payment shall be itemized
6 and shall include the separate identification of costs to prepare,
7 print and distribute sample ballots. Amounts expended by a county
8 or a municipality in the conduct of school elections for which the
9 board of education shall make payment shall be considered
10 mandated expenditures exempt from the limitations on the county
11 tax levy and from the limitations on final municipal appropriations
12 imposed pursuant to P.L.1976, c.68 (C.40A:4-45.1 et seq.), and any
13 costs to the board of education which exceed the amount of the
14 costs to that board for the annual school election immediately
15 preceding the enactment of P.L.1995, c.278 (C.19:60-1 et seq.) shall
16 not be included for the purpose of calculating a school district's
17 **【maximum permissible net budget pursuant to section 85 of**
18 **P.L.1990, c.52 (C.18A:7D-28)】** tax levy growth limitation pursuant
19 to P.L.2007, c.62 (C.18A:7F-37 et al.).
20 (cf: P.L.1996, c.3, s.3)

21

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

23 54:4-45. The clerk or other proper officer of each type II school
24 district **【in which the annual appropriations for school purposes to**
25 **be raised by taxation, are voted by the inhabitants of the school**
26 **district,】** having no board of school estimate shall, on or before
27 May 19 in each year, transmit to the county board of taxation a
28 certified statement of the amount of moneys appropriated for school
29 purposes, which shall include interest to be paid, principal
30 payments of indebtedness, and sinking fund requirements for the
31 school year for which such appropriations are made, to be raised by
32 taxation in the school district.

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

34

35 41. (New section) A board of education of a school district in
36 which the annual school election has been moved to November
37 pursuant to subsection a. of section 1 of P.L. , c. (C.) (pending
38 before the Legislature as this bill) and which has determined to
39 submit a proposal or proposals for additional funds to the voters at
40 the annual school election pursuant to paragraph (9) of subsection
41 d. of section 5 of P.L.1996, c.138 (C.18A:7F-5), shall adopt and
42 submit to the commissioner for approval pursuant to subsection c.
43 of section 5 of P.L.1996, c.138 (C.18A:7F-5), a temporary budget
44 for the school year pending the approval or disapproval of the
45 proposal or proposals for additional funds by the voters. The
46 temporary budget shall be calculated pursuant to the provisions of
47 paragraph (1) of subsection d. of section 5 of P.L.1996, c.138

1 (C.18A:7F-5) or P.L.2007, c.62 (C.18A:7F-37 et al.), as
2 appropriate.

3
4 42. (New section) In the case of a school district in which the
5 annual school election has been moved to November pursuant to
6 subsection a. of section 1 of P.L. , c. (C.) (pending before the
7 Legislature as this bill), if the voters authorize the proposal or
8 proposals for additional funds pursuant to paragraph (9) of
9 subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5), the
10 district shall submit the resulting final budget to the commissioner
11 within 15 days of the action of the voters. If the voters fail to
12 authorize the proposal or proposals for additional funds, the
13 temporary budget shall be the final budget for the district for that
14 school year.

15
16 43. (New section) In the case of a school district in which the
17 annual school election has been moved to November pursuant to
18 subsection a. of section 1 of P.L. , c. (C.) (pending before
19 the Legislature as this bill), if the voters approve a proposal or
20 proposals for additional funds pursuant to paragraph (9) of
21 subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5), the
22 secretary of the board of education shall re-certify to the county
23 board of taxation the sum or sums to be raised by special district tax
24 for the school year. The amount re-certified shall be included in the
25 taxes assessed, levied and collected in the municipality or
26 municipalities comprising the district.

27
28 44. (New section) The ²**[Commissioner]** Director of the
29 Division of Local Government Services in the Department² of
30 Community Affairs² and the Director of the Division of Taxation in
31 the Department of Treasury² , in consultation with the
32 Commissioner of Education, shall ²**[promulgate rules pursuant to**
33 **the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1**
34 **et seq.) for the procedure]** take such action as deemed necessary²
35 for the delivery of estimated tax bills and the recertification of the
36 school district tax levy pursuant to section 43 of P.L. , c. (C.)
37 (pending before the Legislature as this bill) for districts in which the
38 annual school election is in November and that determine to submit
39 proposal or proposals for additional funds pursuant to paragraph (9)
40 of subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5).

41
42 45. (New section) In the case of a school district in which the
43 annual school election has been moved to November pursuant to
44 subsection a. of section 1 of P.L. , c. (C.) (pending before the
45 Legislature as this bill), an elected member of a board of education,
46 or a member of a board of education appointed to serve the
47 unexpired term of an elected member, or an appointed member of a
48 board of education other than a member in a district in a city of the

1 first class, who is holding office on the effective date of P.L. ,
2 c. (C.) (pending before the Legislature as this bill) shall
3 continue in office until the day in January next following the year in
4 which his term was originally set to expire when his successor takes
5 office.

6
7 ¹46. R.S.19:49-2 is amended to read as follows:

8 19:49-2. All official ballots shall be in black ink in type as large
9 as space will reasonably permit; provided, however, that any public
10 question which shall be placed on the ballot shall be in red and
11 above any public question to be voted upon by the voters of the
12 entire State there shall be, also in red, a description of the public
13 question, which description shall not exceed six words and shall be
14 in type as large as is practicable. Party nominations shall be
15 arranged on each voting machine, either in columns or horizontal
16 rows; the caption of the various ballots on the machines shall be so
17 placed on the machines as to indicate to the voter what device is to
18 be used or operated in order to vote for the candidates or candidate
19 of his or her choice. The providing of the official ballots **[and]**, the
20 order of the precedence and arrangement of parties and of
21 candidates, and the instructions for the use of a device to be used or
22 operated in order to vote for candidates shall be as now required by
23 law **【; provided, however】**, except that in those counties where
24 voting machines are used, the county clerk shall have the authority
25 to determine the specifications for, and the final arrangement of, the
26 official ballots **【shall be drawn by the county clerk】**.

27 For the primary election for the general election in all counties
28 where voting machines are or shall be used, all candidates who shall
29 file a joint petition with the county clerk of their respective county
30 and who shall choose the same designation or slogan shall be drawn
31 for position on the ballot as a unit and shall have their names placed
32 on the same line of the voting machine; and provided further, that
33 all candidates for municipal or party office in municipalities in
34 counties where voting machines are or shall be used who shall file
35 a petition with the clerk of their municipality bearing the same
36 designation or slogan as that of the candidates filing a joint petition
37 with the county clerk as aforesaid, may request that his or her name
38 be placed on the same line of the voting machine with the
39 candidates who have filed a joint petition with the county clerk as
40 aforesaid by so notifying the county clerk of said county in writing
41 within two days after the last day for filing nominating petitions and
42 thereupon the county clerk shall forthwith notify the campaign
43 manager of such candidates filing a joint petition as aforesaid of
44 said request, and if the said campaign manager shall file his consent
45 in writing with the said county clerk within two days after the
46 receipt of said notification from said county clerk, the clerk of said
47 county shall place the name of such candidate on the same line of
48 the voting machine on which appears the names of the candidates

1 who have filed the joint petition as aforesaid; provided, also, that
2 any candidate filing a petition with the Attorney General may
3 request that his or her name be placed on the same line of the voting
4 machine with the candidates who have filed a joint petition with the
5 county clerk as aforesaid by so notifying the county clerk of said
6 county in writing within two days after the last day for filing
7 nominating petitions, and thereupon the county clerk shall forthwith
8 notify the campaign manager of such candidates filing a joint
9 petition as aforesaid of said request, and if the said campaign
10 manager shall file his consent in writing with the said county clerk
11 within two days after the receipt of said notification from said
12 county clerk, the clerk of said county shall place the name of such
13 candidate on the same line of the voting machine on which appears
14 the names of the candidates who have filed the joint petition as
15 aforesaid.¹

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

17

18 ¹[46.] 47.¹ This act shall take effect ¹[on January 1 next
19 following enactment] immediately¹.