

SENATE, No. 2099

STATE OF NEW JERSEY
217th LEGISLATURE

INTRODUCED MAY 2, 2016

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

Senator Whelan

SYNOPSIS

Removes authorization for moving date of Type II school district's annual school election from day of general election in November back to third Tuesday in April.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning annual school district elections and amending
2 P.L.2011, c.202 and P.L.2012, c.78.

3

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

6

7 1. Section 1 of P.L.2011, c.202, (C.19:60-1.1) is amended to
8 read as follows:

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

25 The date of the annual school election may be moved to the first
26 Tuesday after the first Monday in November without voter
27 approval, upon the adoption of a resolution by the board of
28 education of a local or regional school district, other than a Type II
29 district with a board of school estimate, or the governing body or
30 bodies of the municipality or municipalities constituting the district.
31 Prior to holding a meeting for the adoption of the resolution to
32 move the date of the annual school election, the governing body or
33 bodies of the municipality or municipalities constituting the district
34 shall provide adequate notice of the meeting to the affected board or
35 boards of education.

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

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

Matter underlined thus is new matter.

1 (3) In addition to the process set forth in paragraph (1) of this
2 subsection, in the event that all the constituent districts of a limited
3 purpose regional school district approve moving the date of their
4 annual school elections to November, by any of the procedures
5 established pursuant to this subsection, then the annual school
6 election for the limited purpose regional school district shall also be
7 conducted simultaneously with the general election.

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

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

29 The date of the annual school election may be moved to the third
30 Tuesday in April without voter approval, upon the adoption of a
31 resolution by the board of education of a local or regional school
32 district, other than a Type II district with a board of school estimate,
33 or the governing body or bodies of the municipality or
34 municipalities constituting the district. Prior to holding a meeting
35 for the adoption of the resolution to move the date of the annual
36 school election, the governing body or bodies of the municipality or
37 municipalities constituting the district shall provide adequate notice
38 of the meeting to the affected board or boards of education.

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

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

1 (3) In addition to the process set forth in paragraph (1) of this
2 subsection, in the event that all the constituent districts of a limited
3 purpose regional school district approve moving the date of their
4 annual school elections to the third Tuesday in April, by any of the
5 procedures established pursuant to this subsection, then the annual
6 school election for the limited purpose regional school district shall
7 also be conducted on the third Tuesday in April. **】** (Deleted by
8 amendment, P.L. , c.) (pending before the Legislature as this bill)

9 c. Notice, in writing, to change the date of a school election
10 from the third Tuesday in April to the first Tuesday in November
11 shall be given to the county clerk no less than 60 days prior to the
12 third Tuesday in April to take effect for that year's election. **【**For a
13 change from the first Tuesday in November to the third Tuesday in
14 April, notice must be given to the county clerk no less than 85 days
15 prior to the third Tuesday in April to take effect for that year's
16 election.**】** Timely notice shall also be given by the board of
17 education or municipal governing body adopting such resolution to
18 any other affected boards of education and municipal governing
19 bodies.

20 (cf: P.L.2013, c.172, s.5)

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22 2. Section 1 of P.L.2012, c.78, (C.19:60-1.2) is amended to
23 read as follows:

24 1. a. Notwithstanding any other law or regulation to the
25 contrary, a Type II district with a board of school estimate may
26 move the date of the school district's annual school election
27 pursuant to the provisions of section 1 of P.L.2011, c.202 (C.19:60-
28 1.1).

29 b. Notwithstanding any other law or regulation to the contrary,
30 in the event that the date of the annual school election is moved to
31 the day of the general election in a Type II district with a board of
32 school estimate, the election shall be held for the purpose of
33 electing members of the board of education and for any other
34 purpose authorized by law. The board of school estimate shall not
35 determine the district's general fund tax levy for the budget year,
36 other than the general fund tax levy required to support a proposal
37 for additional funds pursuant to paragraph (9) of subsection d. of
38 section 5 of P.L.1996, c.138 (C.18A:7F-5).

39 c. **【**Notwithstanding any other law or regulation to the
40 contrary, in a Type II district with a board of school estimate that
41 has moved the date of its annual school election to November and
42 subsequently moves the annual school election to the third Tuesday
43 in April, a vote shall be held for the purpose of electing members of
44 the board of education and for any other purpose authorized by law.
45 The board of school estimate shall determine the district's general
46 fund tax levy for the budget year, including any proposal for
47 additional funds pursuant to paragraph (9) of subsection d. of

1 section 5 of P.L.1996, c.138 (C.18A:7F-5).~~】~~ (Deleted by
2 amendment, P.L. , c.) (pending before the Legislature as this bill)
3 (cf: P.L.2012, c.78, s.1)

4
5 3. When the date of an annual school election has been moved
6 pursuant to section 1 of P.L.2011, c.202 (C.19:60-1.1) to the first
7 Tuesday after the first Monday in November from the third Tuesday
8 in April for a school district, or a Type II school district with a
9 board of school estimate, prior to the effective date of P.L. , c.
10 (pending before the Legislature as this bill), any petition filed or
11 resolution adopted by a board of education or a municipal
12 government, or action taken by a Type II school district with a
13 board of school estimate, after January 1, 2016 but prior to the
14 effective date of P.L. , c. (pending before the Legislature as this
15 bill) pursuant to subsection b. of section 1 of P.L.2011, c.202
16 (C.19:60-1.1) to move the election from the first Tuesday after the
17 first Monday in November to the third Tuesday in April shall be
18 invalid and without effect. No action shall be taken by any public
19 employee or official after the effective date of P.L. , c. (pending
20 before the Legislature as this bill) to effectuate or implement the
21 purpose of such a petition, resolution, or action, including any
22 proceeding in progress for the holding of an election in April for a
23 school district or a Type II school district with a board of school
24 estimate. Appropriate written notices shall be given to relevant
25 boards of education, boards of school estimate, municipal governing
26 bodies, and petition circulators by the appropriate board or
27 governing body that a petition or resolution has been invalidated by
28 this section.

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30 4. This act shall take effect immediately.

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STATEMENT

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35 This bill removes the authorization in current law for moving the
36 date of a Type II school district's annual school election from the
37 day of the general election in November to the third Tuesday in
38 April. Therefore, once the date of a school district's annual election
39 has been moved to the date of the general election in November,
40 there will not be an opportunity to move the annual election back to
41 the third Tuesday in April, because the procedures for doing so
42 have been removed by this bill.

43 Moreover, this bill provides that when the date of an annual
44 school election has been moved November from April prior to the
45 effective date this bill, any petition filed, resolution adopted, or
46 action taken after January 1, 2016 but prior to the effective date of
47 this bill to move the election from November to April shall be
48 invalid and without effect. No action may be taken by any public

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1 employee or official after the effective date of this bill to effectuate
2 or implement the purpose of such a petition, resolution, or action,
3 including any proceeding in progress for the holding of an election
4 in April.

5 Appropriate written notices are to be given to relevant boards of
6 education, boards of school estimate, municipal governing bodies,
7 and petition circulators by the appropriate board or governing body
8 that a petition or resolution has been invalidated by this section.