

SENATE, No. 784

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 15, 1996

By Senators MATHEUSSEN and Ewing

1 AN ACT authorizing school boards to conduct nonbinding referendums  
2 and supplementing chapter 11 of Title 18A of the New Jersey  
3 Statutes.

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

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8 1. a. When the school board of a Type I school district desires to  
9 ascertain the sentiment of the legal voters of the municipality upon any  
10 question or policy directly pertaining to the school district, the school  
11 board may adopt at any regular meeting a resolution, by a recorded  
12 majority vote of its full membership, requesting the clerk of the county  
13 to print upon the official ballots to be used at the next general election  
14 a public question to be formulated and expressed in the resolution in  
15 concise form. The request shall be filed with the clerk of the county  
16 not later than 60 days prior to the election, and the clerk shall cause  
17 the public question to be printed on each sample ballot and official  
18 ballot to be used in the municipality at the next general election.

19 b. The ballots so cast for or against the public question shall be  
20 counted, and a canvass of the election conducted and announced in the  
21 manner now provided by Title 19 of the Revised Statutes.

22 c. The result of the referendum shall not bind the school board  
23 from which the resolution emanated, nor be taken or construed as  
24 other than an expression of sentiment by the voters, to be followed or  
25 disregarded by the school board in its discretion.

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27 2. a. When the school board of a Type II school district desires to  
28 ascertain the sentiment of the legal voters of the school district upon  
29 any question or policy directly pertaining to the school district, the  
30 school board may adopt at any regular meeting a resolution, by a  
31 recorded majority vote of its full membership, to print upon the official  
32 ballots to be used at the next annual school election a public question  
33 to be formulated and expressed in the resolution in concise form. The  
34 resolution shall be adopted not later than 60 days prior to the election.

35 b. The ballots containing the public question shall be prepared, and  
36 the referendum conducted, pursuant to the provisions of chapter 14 of  
37 Title 18A of the New Jersey Statutes.

1 c. The result of the referendum shall not bind the school board  
2 from which the resolution emanated, nor be taken or construed as  
3 other than an expression of sentiment by the voters, to be followed or  
4 disregarded by the school board in its discretion.

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6 3. This act shall take effect immediately.

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9 STATEMENT

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11 This bill permits the board of education of a school district to  
12 conduct a nonbinding referendum on a public question which directly  
13 pertains to the district. In a Type I district, the referendum would be  
14 held at the general election and would be conducted under the  
15 provisions of the election statutes found in Title 19. In a Type II  
16 district, the referendum would be held at the annual school election  
17 and would be conducted under the school election statutes found in  
18 chapter 14 of Title 18A.

19 There is currently a provision in Title 19 for municipalities and  
20 counties to hold nonbinding referendums.

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24  
25 Permits school boards to conduct nonbinding referendums.