

SENATE, No. 1344

STATE OF NEW JERSEY

INTRODUCED JUNE 20, 1996

By Senators EWING and LYNCH

1 AN ACT concerning the operation of school districts and amending  
2 and supplementing various parts of the statutory law.

3

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

6

7 1. Section 15 of P.L.1987, c.399 (C.18A:7A-48) is amended to  
8 read as follows:

9 15. a. At the [April] November school election in the fourth full  
10 academic year following the creation of a State-operated school  
11 district, nine board members shall be elected from among the 15  
12 appointed board members, three to serve a one-year term, three to  
13 serve a two-year term, and three to serve a three-year term. If there  
14 are not nine members from the 15 appointed members who are willing  
15 to run for election, the commissioner shall retain the right to appoint  
16 the remaining members of the board. In each subsequent year, board  
17 members shall be elected from the community at large.

18 b. Beginning in the second year of State operation, the State  
19 district superintendent shall bring matters of curriculum before the  
20 board and may bring other matters before the board for a vote.  
21 Beginning in the third year of State operation, the State district  
22 superintendent shall bring legal matters before the board for a vote.  
23 Beginning in the fourth year of State operation, the State district  
24 superintendent shall bring fiscal matters before the board for a vote.  
25 However, the State district superintendent shall retain veto power until  
26 the reestablishment of local control.

27 (cf: P.L.1995, c.179, s.5)

28

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

30 18A:9-10. If the membership of the board in any such district so  
31 becoming a type II district is less than nine, it shall be increased to  
32 nine by the election of added members at the next annual school  
33 election, unless the adopting election shall have been held more than  
34 130 days or less than 60 days before the date fixed for such annual

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

**Matter underlined thus is new matter.**

1 school election, in which case they shall be elected at a special school  
2 election which shall be called by the members of the board so holding  
3 over, if the adopting election was held more than 130 days before the  
4 annual school election, then not less than 60 or more than 70 days  
5 after the adopting election, or if the adopting election was held less  
6 than 60 days before the annual school election, then not less than 60  
7 or more than 70 days after such annual school election, excluding in  
8 each instance from the calculation of the period which will elapse  
9 between such 60 and 70 days any period which would elapse between  
10 the twenty-first day before and the twenty-first day after any day fixed  
11 according to law for the holding of any primary election for the  
12 general election [or general election] or municipal election held within  
13 the district.

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

15

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

17 18A:10-3. Each board of education shall organize annually at a  
18 regular meeting held not later than at 8 p.m. at which time new  
19 members shall take office [:

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

22 b. In all type II districts] on any day of the first [or second] week  
23 [following the annual school election] in January.

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

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

28

29 4. N.J.S.18A:12-8 is amended to read as follows:

30 18A:12-8. In districts, other than those in cities of the first class,  
31 the members of the board shall be appointed between [April]  
32 December 1 and [April] December 15 and their terms of office shall  
33 begin on [May 16] January 1, next succeeding, and in districts in cities  
34 of the first class they shall be appointed during the month of June and  
35 their terms of office shall begin on July 1, next succeeding.

36 (cf: P.L.1979, c. 284, s. 1)

37

38 5. N.J.S.18A:12-17 is amended to read as follows:

39 18A:12-17. The mayor or other chief executive officer of the  
40 municipality shall, between [April] December 1 and [April] December  
41 15 in each year, appoint one member of the board to serve for a term  
42 of 5 years beginning on [May 15] January 1 next succeeding his  
43 appointment, to take the place of the member whose term shall expire  
44 in that year, and any vacancy occurring in the membership of the board  
45 shall be reported forthwith by the secretary of the board to the mayor  
46 or other chief executive officer of the municipality, who shall within

1 30 days thereafter appoint a qualified person to fill the vacancy for the  
2 unexpired term.

3 (cf: P.L.1979, c.284, s.2)

4

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

6 18A:13-8. The board of education of a regional district shall  
7 consist of nine members unless it consists of more than nine  
8 constituent districts, in which case the membership shall be the same  
9 as the number of constituent districts, plus one. If there are nine or  
10 less constituent districts, the members of the board of education of the  
11 regional district shall be apportioned by the county superintendent or  
12 county superintendents of the county or counties in which the  
13 constituent districts are situate, among said districts as nearly as may  
14 be according to the number of their inhabitants except that each  
15 constituent district shall have at least one member.

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

27 If there are more than nine constituent districts, the members on the  
28 board shall be apportioned among the constituent districts and the  
29 weight of their votes in all proceedings of the board shall be  
30 determined by the appropriate county superintendent or  
31 superintendents through the following procedure:

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

35 b. A representative ratio shall be calculated by adding the number  
36 of inhabitants of all constituent districts and dividing the sum by the  
37 board size.

38 c. All constituent districts shall be listed in ascending order of their  
39 number of inhabitants. If the first constituent district in said list has a  
40 number of inhabitants which is less than the representative ratio, it  
41 shall be combined with the constituent district contiguous to it having  
42 the smallest number of inhabitants. This process shall be repeated for  
43 each successively larger constituent district or combination of  
44 constituent districts until all remaining constituent districts or  
45 combinations of constituent districts shall have a number of inhabitants  
46 equal to, or exceeding the representative ratio. The districts formed

1 in this manner shall be known as representative districts.

2 d. There shall be established a priority list according to the method  
3 of equal proportions for the apportionment of the members of the  
4 regional district board of education among the representative districts.

5 e. The members of the regional district board of education shall be  
6 apportioned among the representative districts according to the  
7 method of equal proportions, and where a representative district is  
8 composed of more than one constituent district, members shall be  
9 elected at large from within the representative district.

10 f. The number of inhabitants of each representative district shall be  
11 divided by the number of members assigned to that district to find the  
12 number of inhabitants per members.

13 g. The vote to be cast by each member of the regional district  
14 board of education in all proceedings of the board shall be determined  
15 by dividing the number of inhabitants per member in the representative  
16 district from which the member is elected by the representative ratio  
17 for the regional district, and rounding off the quotient to the nearest  
18 tenth of a full vote.

19 Wherever any statute or bylaw of the board requires decision in any  
20 matter by vote of a majority of the board members, or of the members  
21 present, this shall be interpreted as meaning a majority of the weighted  
22 votes of all members, or of the members present, as the case may be.

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

41 If any constituent district is a consolidated district, or a district  
42 composed of two or more municipalities, and

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

1       b. The regional district is an all purpose district, the membership  
2 of the regional board of education from such district shall be  
3 apportioned, and from time to time reapportioned, and the members  
4 from the district shall be elected, as their respective terms expire, in  
5 the same manner as though each of the municipalities making up such  
6 constituent district were constituent districts of the regional district.  
7 (cf: P.L. 1992, c.159, s.9)

8

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

10       18A:13-10. The board of education of each regional district shall  
11 provide for the holding, in accordance with the provisions of  
12 P.L.1995, c.278 (C.19:60-1 et al.), of an annual school election for the  
13 regional district on the [third] first Tuesday following the first Monday  
14 in [April] November.

15       At such election there shall be elected for terms of three years,  
16 beginning on any day of the first [or second] week [following such  
17 election] in January, the members of the regional boards of education  
18 to succeed those members of the board whose terms shall expire in  
19 that year, except as is in this chapter provided for the election of the  
20 first elected members of the board.

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

22

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

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

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

37

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

39       18A:13-13. The board shall appoint a secretary who may or may  
40 not be a member of the board, for the term of one year beginning on  
41 [July 1] January 15 following his appointment but he shall continue to  
42 serve after the expiration of his term until his successor is appointed  
43 and qualified.

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

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

2       18A:13-14. The board shall appoint a treasurer of school moneys  
3 who may be a member of the board and it shall fix his salary. His term  
4 of office shall expire annually on [June 30] January 15 of each year,  
5 but if a municipal officer is appointed treasurer, his term shall cease if  
6 he ceases to hold his municipal office and in either case, the treasurer  
7 shall continue in office after the expiration of his term until his  
8 successor is qualified. He shall give bond in such amount, and with  
9 such surety, as the board shall direct. The board in its determination  
10 of the amount shall be guided by a schedule of minimum limits to be  
11 promulgated by the State board.

12 (cf: P.L.1981, c.174, s.1)

13

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

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

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

33

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

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

1 enlarged district are situate shall reapportion the membership of the  
2 enlarged board of education in accordance with the provisions of  
3 sections 18A:13-8 and 18A:13-36, and at the same time shall designate  
4 the 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 of  
8 the constituent districts shall be established in accordance with such  
9 reapportionment at the earliest possible time but the members then in  
10 office shall continue in office for the terms for which they were elected  
11 or appointed notwithstanding such reapportionment.

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

13

14 13. 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]~~ January 15 of the calendar year next  
18 succeeding that in which the board shall have been organized, but he  
19 shall continue to serve after the expiration of his term until his  
20 successor is appointed and qualified. The secretary may be appointed  
21 from among the members of the board and, subject to the provisions  
22 of this Title and any other law, the board shall fix his compensation;  
23 provided, however, that the secretary shall not receive compensation  
24 from the board for any period during which he is an elected or  
25 appointed member of the board.

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

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

33

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

35 18A:22-26. At or after said public hearing but not later than April  
36 8, the board of school estimate of a type II district having a board of  
37 school estimate shall fix and determine by a recorded roll call majority  
38 vote of its full membership the amount of money necessary to be  
39 appropriated for the use of the public schools in such district for the  
40 ensuing school year, exclusive of the amount which shall be  
41 apportioned to it by the commissioner for said year and shall make a  
42 certificate of such amount signed by at least a majority of all members  
43 of such board, which shall be delivered to the board of education and  
44 a copy thereof, certified under oath to be correct and true by the  
45 secretary of the board of school estimate, shall be delivered to the  
46 county board of taxation on or before April 15 in each year and a

1 duplicate of such certificate shall be delivered to the board or  
2 governing body of each of the municipalities within the territorial  
3 limits of the district having the power to make appropriations of  
4 money raised by taxation in the municipalities or political subdivisions  
5 and to the county superintendent of schools and such amount shall be  
6 assessed, levied and raised under the procedure and in the manner  
7 provided [by law for the levying and raising of special school taxes  
8 voted to be raised at an annual or special election of the legal voters  
9 in type II districts] pursuant to N.J.S.18A:22-34 and shall be paid to  
10 the treasurer of school moneys of the district for such purposes.

11 Within 15 days after receiving such certificate the board of  
12 education shall notify the board of school estimate and governing body  
13 of each municipality within the territorial limits of the school district  
14 if it intends to appeal to the commissioner the board of school  
15 estimate's determination as to the amount of money necessary to be  
16 appropriated for the use of the public schools of the district for the  
17 ensuing school year.

18 (cf: P.L.1992, c.159, s.15)

19

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

21 N.J.S.18A:22-32. At or after the public hearing on the budget but  
22 not later than 18 days prior to the April election, the board of  
23 education of each type II district having no board of school estimate  
24 shall fix and determine by a recorded roll call majority vote of its full  
25 membership the amount of money [to be voted upon by the legal  
26 voters of the district at the annual election, which sum or sums shall  
27 be designated in the notice calling such election as required by law]  
28 necessary to be appropriated for the use of the public schools of the  
29 district during the ensuing school year and the secretary of the board  
30 of education shall certify the amounts so determined upon to the  
31 county board of taxation on or before May 19 next succeeding and the  
32 amount or amounts so certified shall be included in the taxes assessed,  
33 levied and collected in the municipality or municipalities comprising  
34 the district.

35 (cf: P.L.1995, c.278, s.42)

36

37 16. R.S.19:15-2 is amended to read as follows:

38 19:15-2. The district boards shall open the polls for such election  
39 at seven o'clock in the morning and close them at eight o'clock in the  
40 evening, and shall keep them open during the whole day of election  
41 between these hours; except that for a school election held at a time  
42 other than at the time of the general election the polls shall be open  
43 between the hours of five and nine P.M. and during any additional time  
44 which the school board may designate between the hours of seven  
45 A.M. and nine P.M.

46 The board may allow one member thereof at a time to be absent

1 from the polling place and room for a period not exceeding one hour  
2 between the hours of one o'clock and five o'clock in the afternoon or  
3 for such shorter time as it shall see fit.

4 At no time from the opening of the polls to the completion of the  
5 canvass shall there be less than a majority of the board present in the  
6 polling room or place, except that during a school election held at a  
7 time other than at the time of the general election there shall always be  
8 at least one member of each district election board present or if more  
9 than two district board members are designated to serve at the polling  
10 place, at least two members present.

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

12

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

14 19:45-6. The compensation of each member of the district boards  
15 for all services performed by them under the provisions of this Title  
16 shall be as follows:

17 In all counties, for all services rendered including the counting of  
18 the votes, and in counties wherein voting machines are used, the  
19 tabulation of the votes registered on the voting machines, and the  
20 delivery of the returns, registry binders, ballot boxes and keys for the  
21 voting machines to the proper election officials, \$75.00 each time the  
22 primary election, the general election or any special election is held  
23 under this Title, except that the governing body of a county may, by  
24 ordinance or resolution as appropriate, provide that such amount shall  
25 be \$100 for the members of each district board within the county  
26 performing those services at such an election; provided, however, that:

27 a. (1) The member of the board charged with the duty of obtaining  
28 and signing for the signature copy registers shall receive an additional  
29 \$12.50 per election, such remuneration being limited to only one board  
30 member per election, or \$6.25 to each of two board members if they  
31 share such responsibility for the signature copy registers, and (2) the  
32 member of the board charged with the duty of returning the signature  
33 copy registers shall receive an additional \$12.50 per election, such  
34 remuneration being limited to only one board member per election, or  
35 \$6.25 to each of two board members if they share such responsibility  
36 for the signature copy registers;

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

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

45 d. Compensation for district board members serving at a school  
46 election held at a time other than at the time of the general election

1 shall be paid by the board of education of the school district  
2 conducting the election at an hourly rate of \$5.77, exclusive of any  
3 adjustments to that compensation which may be made pursuant to  
4 subsection a., b. or c. of this section.

5 Compensation due each member shall be paid within 30 days but  
6 not within 20 days after each election; provided, however, that no  
7 compensation shall be paid to any member of any such district board  
8 who may have been removed from office or application for the  
9 removal of whom is pending under the provisions of R.S.19:6-4.

10 (cf: P.L.1995, c.278, s.21)

11

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

14 1. a. An annual school election for the purposes of electing  
15 members of the board of education shall be held in each type II district  
16 on the first Tuesday after the first Monday in November.

17 An annual school election for the purpose of submitting a proposal  
18 to the voters to exceed the maximum permissible net budget pursuant  
19 to the provisions of section 85 of P.L.1990, c.52 (C.18A:7D-28) and  
20 for any other purpose authorized by law shall be held in each type II  
21 district on the third Tuesday in April. However, in any school year, the  
22 Commissioner of Education shall make any adjustments to the school  
23 budget [and election] calendar which may be necessary to change the  
24 [annual] April school election date if that date coincides with a period  
25 of religious observance. The commissioner shall inform local school  
26 boards, county clerks and boards of elections of these adjustments no  
27 later than the first working day in January of the year in which the  
28 adjustments are to occur.

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

34 (cf: P.L.1995, c.278, s.1)

35

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

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

1 provisions of R.S.19:6-10, the county board shall appoint one of the  
2 persons so designated to serve as judge and the other or another, as  
3 the case may be, of those persons so designated to serve as inspector  
4 for school elections.

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

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

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

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

31

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

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

42 The secretary of each board of education, not later than 10 o'clock  
43 a.m. of the 50th day preceding a school election for the purposes of  
44 electing members of the board of education shall make and certify and  
45 forward to the clerk of the county in which the school district is  
46 located a statement designating any public question to be voted upon

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

4 (cf: P.L.1995, c.278, s.4)

5  
6 21. 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 nomination  
10 shall, to the extent not inconsistent with the provisions of P.L.1995,  
11 c.278 (C.19:60-1 et al.), conform to the procedure for nominating  
12 candidates by direct petition under chapter 13 of Title 19 of the  
13 Revised Statutes. Notwithstanding the provisions of R.S.19:13-5,  
14 however, a petition of nomination for such office shall be signed by at  
15 least 10 persons, none of whom shall be the candidate himself, and  
16 filed with the secretary of the board of education on or before four  
17 p.m. of the [50th] 54th day preceding the date of the school election.  
18 The signatures need not all appear upon a single petition and any  
19 number of petitions may be filed on behalf of any candidate but no  
20 petition shall contain the endorsement of more than one candidate.

21 Any candidate may withdraw as a candidate in a school election by  
22 filing a notice in writing, signed by the candidate, of such withdrawal  
23 with the secretary of the board of education before the [44th] 48th day  
24 before the date of the election, and thereupon the name of that  
25 candidate shall be withdrawn by the secretary of the board of  
26 education and shall not be printed on the ballot.

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

30 Whenever written objection to a petition of nomination hereunder  
31 shall have been made and timely filed with the secretary of the board  
32 of education, the board of education shall file its determination of the  
33 objection on or before the [44th] 48th day preceding the school  
34 election. The last day upon which a candidate may file with the  
35 Superior Court a verified complaint setting forth any invasion or  
36 threatened invasion of the candidate's rights under the candidate's  
37 petition of nomination shall be the [46th] 50th day before the election.  
38 The last day upon which a candidate whose petition of nomination or  
39 any affidavit thereto is defective may amend such petition or affidavit  
40 shall be the [44th] 48th day before the election.

41 (cf: P.L.1995, c.278, s.7)

42  
43 22. Section 9 of P.L.1995, c. 278 (C.19:60-9) is amended to read  
44 as follows:

45 9. The ballot for a school election shall be a single or blanket form  
46 of ballot, upon which shall be printed in bold-faced type the words

1 "OFFICIAL SCHOOL ELECTION BALLOT" or "OFFICIAL  
2 SPECIAL SCHOOL ELECTION BALLOT," as appropriate. Any  
3 public question which is to be submitted to the voters at a school  
4 election shall be printed in a separate space below or to the right of,  
5 as the county clerk shall determine, the listing of candidates in the  
6 election.

7 In the columns in which are listed the titles of the offices to be filled  
8 at a school election and the names of candidates for those offices, the  
9 title of and the names of candidates for the office of member of the  
10 regional board of education shall appear above the title of and the  
11 names of candidates for the office of member of the local board of  
12 education. With respect to either office, in the event that one or more  
13 persons are to be elected to membership thereon for a full term and  
14 one or more persons are to be elected to membership thereon to fill an  
15 unexpired term, the ballots shall designate which of the candidates to  
16 be voted for is to be elected for a full term and which for an unexpired  
17 term. In all cases in which one or more persons are to be elected for  
18 an unexpired term, the ballots shall indicate the duration of that  
19 unexpired term.

20 All public questions to be voted upon at a school election by the  
21 voters of more than one municipality shall be placed first before any  
22 question to be voted upon at that election by the voters of a single  
23 municipality.

24 In the case of the annual school election for the purposes of electing  
25 members of the board of education, the names of candidates for the  
26 office of member of the local board of education shall appear on the  
27 ballot separately from the names of candidates for other offices.

28 Every county clerk shall have ready for the printer a copy of the  
29 contents of official ballots required by law to be printed for use at a  
30 school election, as follows: in the case of the [annual] April school  
31 election, not later than the 17th day preceding that election; [and] in  
32 the case of any special school election, not later than two business  
33 days following receipt by the clerk of official notice of the complete  
34 content of the ballot to be voted upon at that election; and in the case  
35 of the annual school election for the purposes of electing members of  
36 the board of education, in accordance with the provisions of  
37 R.S.19:14-1.

38 (cf: P.L.1995, c.278, s.9)

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

42 12. All costs, charges and expenses, including the compensation of  
43 the members of the district boards and the compensation and expenses  
44 of the county board of elections, the county superintendent of  
45 elections, the clerk of the county, and the municipal clerks for any  
46 school election held at a time other than the time of the general

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

17

18 24. R.S.54:4-45 is amended to read as follows:

19 54:4-45. The clerk or other proper officer of each type II school  
20 district [in which the annual appropriations for school purposes to be  
21 raised by taxation, are voted by the inhabitants of the school district,]  
22 having no board of school estimate shall, on or before May 19 in each  
23 year, transmit to the county board of taxation a certified statement of  
24 the amount of moneys appropriated for school purposes, which shall  
25 include interest to be paid, principal payments of indebtedness, and  
26 sinking fund requirements for the school year for which such  
27 appropriations are made, to be raised by taxation in the school district.  
28 (cf: P.L.1995, c.94, s.3)

29

30 25. (New section) A school election held in November shall only  
31 be for the purpose of electing members of the board of education.

32

33 26. (New section) An elected member of a board of education, or  
34 a member of a board of education appointed to serve the unexpired  
35 term of an elected member, or an appointed member of a board of  
36 education other than a member in a district in a city of the first class,  
37 who is holding office on the effective date of this act shall continue in  
38 office until the day in January next following the year in which his term  
39 was originally set to expire when his successor takes office.

40

41 27. The following sections of law are repealed:

42 N.J.S.18A:13-17;

43 N.J.S.18A:13-19;

44 N.J.S.18A:13-20;

45 N.J.S.18A:13-21;

46 N.J.S.18A:22-33;

1 N.J.S.18A:22-37; and  
2 N.J.S.18A:22-38.

3

4 28. This act shall take effect on January 1 next following the date  
5 of enactment.

6

7

8

#### STATEMENT

9

10 This bill provides that school board members are to be elected at  
11 the time of the general election in November and will take office at the  
12 beginning of January. The names of candidates for the office of  
13 member of the local board of education will appear on the ballot  
14 separately from the names of candidates for other offices at the  
15 November election.

16 The bill will also permit boards of education of type II school  
17 districts and regional school districts to determine the annual school  
18 budget without the requirement of voter approval. A referendum  
19 would still be required for special appropriations and for capital  
20 projects. In addition, the law requiring type II districts to submit cap  
21 waiver proposals to the voters when they want to exceed their base  
22 budgets would not be changed.

23 The only governmental budgets which require voter approval are  
24 the budgets of type II districts without boards of school estimate and  
25 regional school districts. The remaining districts, type I and type II  
26 with a board of school estimate, require only the approval of the board  
27 of school estimate.

28

29

30

31

32 Provides for the election of school board members at November  
33 general election and permits certain school districts to determine  
34 budgets without referendum.