

[Third Reprint]

ASSEMBLY, No. 4394

STATE OF NEW JERSEY
214th LEGISLATURE

INTRODUCED DECEMBER 1, 2011

Sponsored by:

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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 reported by the Assembly Budget Committee on January 5, 2012, with amendments.

(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 ³**[the] a**
 13 **local or regional school**³ district ³, **other than a Type II district with**
 14 **a board of school estimate,**³ whenever a petition signed by not less
 15 than 15% of the ²**number of**² 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 States**¹ is filed with
 19 the board of education. The question shall be submitted to the
 20 voters of the district at the next ³**[annual school election, special**
 21 **school election, or]**³ general election ³**[as determined by the board**
 22 **of education]**³, 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 ³**[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,**³ or the governing body ³**or**
 33 **bodies**³ of the municipality ³**or municipalities**³ 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:

¹Assembly AAP committee amendments adopted December 8, 2011.

²Assembly floor amendments adopted December 15, 2011.

³Assembly ABU committee amendments adopted January 5, 2012.

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

3 (3) ³~~["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, in³ the event that all the constituent districts ³of a
11 limited purpose regional school district³ approve moving the date of
12 ³["the election"] their annual school elections to November, by any
13 of the procedures established pursuant to this subsection³, then the
14 ²["date of the"]² 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 ³~~["the"] a local or regional school³~~
30 ~~district ³, other than a Type II district with a board of school~~
31 ~~estimate,³ whenever a petition signed by not less than 15% of the~~
32 ~~²number of² 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 ³[" annual school election, special school election, or"]³ general~~
38 ~~election ³["as determined by the board of education"]³, 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 ³~~["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,³ or the~~

1 governing body ³or bodies³ of the municipality ³or municipalities³
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) ³[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 in³ the event that all the constituent districts ³of a limited purpose
21 regional school district³ approve moving the date of ³[the election]
22 their annual school elections to the third Tuesday in April, by any
23 of the procedures established pursuant to this subsection³, then the
24 ²[date of the]² 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

1 of P.L.2007, c.260 (C.18A:7F-43 et al.), and shall notify each
2 district of the district's adequacy budget for the succeeding school
3 year.

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

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

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

1 significant district-specific change in data warrants an increase in
2 State aid for that district, the commissioner may adjust the State aid
3 amount provided for the district in the December 12, 2007 report to
4 reflect the increase.

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

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

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

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

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

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

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

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

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

47 For the 2006-2007 school year and each school year thereafter,
48 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. , c.
42 (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
40 district not having a board of school estimate shall at **[each annual]**
41 the 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

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

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

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

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

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

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

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

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

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

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

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

1 and collected in the municipality or municipalities for those
2 purposes.

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

4

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

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

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

19

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

21 19:1-1. As used in this Title:

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

25 "General election" means the annual election to be held on the
26 first Tuesday after the first Monday in November and, where
27 applicable, includes annual school elections ²held on that date².

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

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

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

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

38 "Municipality" includes any city, town, borough, village, or
39 township.

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

43 "Public office" includes any office in the government of this
44 State or any of its political subdivisions filled at elections by the
45 electors of the State or political subdivision.

46 "Public question" includes any question, proposition or
47 referendum required by the legislative or governing body of this
48 State or any of its political subdivisions to be submitted by

1 referendum procedure to the voters of the State or political
2 subdivision for decision at elections.

3 "Political party" means a party which, at the election held for all
4 of the members of the General Assembly next preceding the holding
5 of any primary election held pursuant to this Title, polled for
6 members of the General Assembly at least 10% of the total vote cast
7 in this State.

8 "Party office" means the office of delegate or alternate to the
9 national convention of a political party or member of the State,
10 county or municipal committees of a political party.

11 "Masculine" includes the feminine, and the masculine pronoun
12 wherever used in this Title shall be construed to include the
13 feminine.

14 "Presidential year" means the year in which electors of President
15 and Vice-President of the United States are voted for at the general
16 election.

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

20 "District board" means the district board of registry and election
21 in an election district.

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

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

25 "Commissioner" means the commissioner of registration in
26 counties.

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

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

31

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

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

46 b. Such notice shall set forth:

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

1 (a) That a primary election for making nominations for the
2 general election, for the selection of members of the county
3 committees of each political party, and in each presidential year for
4 the selection of delegates and alternates to national conventions of
5 political parties, will be held on the day and between the hours and
6 at the places provided for by or pursuant to this Title.

7 (b) The place or places at which and hours during which a
8 person may register, the procedure for the transfer of registration,
9 and the date on which the books are closed for registration or
10 transfer of registration.

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

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

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

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

38 (2) For the general election:

39 (a) That a general election will be held on the day and between
40 the hours and at the places provided for by or pursuant to this Title
41 and, where applicable, shall include ²annual² school elections ²held
42 on that date².

43 (b) The place or places at which and hours during which a
44 person may register, the procedure for transfer of registration, and
45 the date on which the books are closed for registration or transfer of
46 registration.

47 (c) The several State, county and municipal offices, and where
48 applicable, school board offices to be filled, notice of any school

1 district propositions to be submitted to the people and, except as
2 provided in R.S.19:14-33 of this Title as to publication of notice of
3 any Statewide proposition directed by the Legislature to be
4 submitted to the people, the State, county and municipal public
5 questions to be voted upon at such general election.

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

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

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

30 (3) For a school election:

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

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

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

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

47 (e) That if the voter has any questions as to where to vote on the
48 day of the election, the voter may contact the county commissioner

1 of registration or municipal clerk to determine the proper polling
2 place location for the voter; and

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

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

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

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

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

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

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

26 f. The cost of publishing the notices required by this section
27 shall be paid by the respective counties, unless otherwise provided
28 for by law.

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

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

36

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

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

1 thereon. The name of the county clerk shall be a facsimile of his
2 signature. Below the last stated words extending across the ballot
3 and at the extreme left shall be printed the words "Instructions to
4 the voter," and immediately to the right there shall be a bracket
5 embracing the following instructions numbered consecutively:

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

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

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

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

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

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

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

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

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

40

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

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

1 Such titles of office shall be arranged in the following order:
2 electors of President and Vice-President of the United States;
3 member of the United States Senate; Governor; member of the
4 House of Representatives; member of the State Senate; members of
5 the General Assembly; county executive, in counties that have
6 adopted the county executive plan of the "Optional County Charter
7 Law," P.L.1972, c.154 (C.40:41A-1 et seq.); sheriff; county clerk;
8 surrogate; register of deeds and mortgages; county supervisor;
9 members of the board of chosen freeholders; coroners; mayor and
10 members of municipal governing bodies, and any other titles of
11 office. Candidates for members of a school board shall be listed in
12 a section of the ballot that is ²[clearly]² separate from the section
13 featuring other candidates ²whenever possible². Above each of
14 such titles of office, except the one at the top, shall be printed a
15 two-point diagram rule in place of the two-point hair line rule.
16 Below the titles of such offices shall be printed the names of the
17 candidates for the offices.

18 The arrangement of the names of candidates for any office for
19 which more than one are to be elected shall be determined in the
20 manner hereinafter provided, as in the case of candidates nominated
21 by petition.

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

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

30 To the right of the title of each office in the party columns and
31 the personal choice column shall be printed the words "Vote for,"
32 inserting in words the number of persons to be elected to such
33 office.

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

35

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

37 19:14-10. In the column or columns designated as nominations
38 by petition, within the space between the two-point hair line rules,
39 there shall be printed the title of each office for which nominations
40 by petition have been made.

41 Such titles of office shall be arranged in the following order:
42 electors of President and Vice-President of the United States;
43 member of the United States Senate; Governor and Lieutenant
44 Governor; member of the House of Representatives; member of the
45 State Senate; members of the General Assembly; county executive,
46 in counties that have adopted the county executive plan of the
47 "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et
48 seq.); sheriff; county clerk; surrogate; register of deeds and

1 mortgages; county supervisor; members of the board of chosen
2 freeholders; coroners; mayor and members of municipal governing
3 bodies; members of the school board, when appropriate, and any
4 other titles of office.

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

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

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

18 To the right of the title of each office shall be printed the words
19 "Vote for " inserting in words the number of candidates to be
20 elected to such office.

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

22

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

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

1 the titles of office and names of candidates shall be printed in with
2 scroll or filling to guide the voter against wrongly marking the
3 ballot. On the foot of the ballot the words "Public Questions to be
4 Voted Upon" shall be printed in eighteen-point bold-faced capital
5 letters. The accompanying instructions shall be printed in eight-
6 point capital and small letters. The public questions to be voted
7 upon shall be printed in ten-point capital and small letters, and the
8 words "Yes" and "No" shall be printed in twelve-point bold-faced
9 capital letters.
10 (cf: R.S.19:14-16)

11

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

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

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

26

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

28 19:15-2. The district boards shall open the polls for such
29 election at 6:00 A.M. and close them at 8:00 P.M., and shall keep
30 them open during the whole day of election between these hours;
31 except that for a school election held at a time other than at the time
32 of the general election the polls shall be open between the hours of
33 5:00 P.M. and 9:00 P.M. and during any additional time which the
34 school board may designate between the hours of 7:00 A.M. and
35 9:00 P.M.

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

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

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

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

2 19:45-6. The compensation of each member of the district
3 boards for all services performed by them under the provisions of
4 this Title shall be as follows:

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

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

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

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

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

44 Compensation due each member shall be paid within 30 days but
45 not within 20 days after each election; provided, however, that no
46 compensation shall be paid to any member of any such district
47 board who may have been removed from office or application for

1 the removal of whom is pending under the provisions of R.S.19:6-4.
2 (cf: P.L.2011, c.134, s.45)

3

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

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

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

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

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

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

41

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

44 3. a. Notwithstanding the provisions of R.S.19:6-1, for school
45 elections held at times other than at the time of the general election
46 the county board of the county in which the election district is
47 located shall designate two members of the district board of election
48 to perform all the duties of the district board for that election,

1 except that where electronic voting systems are in use in any
2 election district in which there are more than 900 registered voters,
3 the county board shall designate four members of the district board
4 to perform all the duties of the district board for that election.
5 Notwithstanding the provisions of R.S.19:6-10, the county board
6 shall appoint one of the persons so designated to serve as judge and
7 the other or another, as the case may be, of those persons so
8 designated to serve as inspector for school elections.

9 b. Notwithstanding the provisions of subsection a. or any other
10 law to the contrary:

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

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

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

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

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

46 The secretary of each board of education of a school district in
47 which the annual school election has been moved to November
48 pursuant to subsection a. of section 1 of P.L. , c. (C.)

1 (pending before the Legislature as this bill), not later than 10
2 o'clock a.m. of the 60th day preceding the November school
3 election, shall make and certify and forward to the clerk of the
4 county in which the school district is located a statement
5 designating any public question to be voted upon by the voters of
6 the district which may be required pursuant to the provisions of
7 P.L.1995, c.278 (C.19:60-1 et al.) or Title 18A of the New Jersey
8 Statutes.

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

10

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

13 7. Each candidate to be voted upon at a school election shall be
14 nominated directly by petition, and the procedures for such
15 nomination shall, to the extent not inconsistent with the provisions
16 of P.L.1995, c.278 (C.19:60-1 et al.), conform to the procedure for
17 nominating candidates by direct petition under chapter 13 of Title
18 19 of the Revised Statutes. Notwithstanding the provisions of
19 R.S.19:13-5, however, a petition of nomination for such office shall
20 be signed by at least 10 persons, one of whom may be the
21 candidate, and filed with the secretary of the board of education on
22 or before four p.m. of the 50th day preceding the date of the April
23 school election ²[and] or with the county clerk on or before four
24 p.m. of ²the ²[64th day preceding the date of] day of the holding of
25 the primary election for the general election for candidates seeking
26 election as a member of a board of education at ²the November
27 school election, as applicable. The signatures need not all appear
28 upon a single petition and any number of petitions may be filed on
29 behalf of any candidate but no petition shall contain the
30 endorsement of more than one candidate.

31 Any candidate may withdraw as a candidate in a school election
32 by filing a notice in writing, signed by the candidate, of such
33 withdrawal with the secretary of the board of education before the
34 44th day before the date of the April election or ²with the county
35 clerk on ²the ²[54th] 60th ²day before the date of the November
36 election, as applicable, and thereupon the name of that candidate
37 shall be withdrawn by the secretary of the board of education and
38 shall not be printed on the ballot.

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

43 Whenever written objection to a petition of nomination
44 hereunder shall have been made and timely filed with the secretary
45 of the board of education ²or with the county clerk, as may be
46 appropriate ², the board of education shall file its determination of
47 the objection on or before the 44th day preceding the April school

1 election or ²the county clerk shall file the clerk's determination of
2 the objection on or before² the ²[61st] 10th² day ²[preceding] after
3 the last day for the filing of petitions for candidates seeking election
4 as a member of a board of education at² the November school
5 election, as applicable. The last day upon which a candidate may
6 file with the Superior Court a verified complaint setting forth any
7 invasion or threatened invasion of the candidate's rights under the
8 candidate's petition of nomination shall be the 46th day before the
9 April election or the ²[52nd] 12th² day ²[before] after the last day
10 for the filing of petitions for candidates seeking election as a
11 member of a board of education at² the November election, as
12 applicable. The last day upon which a candidate whose petition of
13 nomination or any affidavit thereto is defective may amend such
14 petition or affidavit shall be the 44th day before the April election
15 or the ²[54th] 10th² day ²[before] after the last day for the filing of
16 petitions for candidates seeking election as a member of a board of
17 education at² the November election, as applicable.
18 (cf: P.L.2000, c.22, s.1)

19

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

22 9. The ballot for a school election shall be a single or blanket
23 form of ballot, upon which shall be printed in bold-faced type the
24 words "OFFICIAL SCHOOL ELECTION BALLOT" or
25 "OFFICIAL SPECIAL SCHOOL ELECTION BALLOT," as
26 appropriate.

27 Any public question which is to be submitted to the voters at a
28 school election shall be printed in a separate space below or to the
29 right of, as the county clerk shall determine, the listing of
30 candidates in the election.

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

44 All public questions to be voted upon at a school election by the
45 voters of more than one municipality shall be placed first before
46 any question to be voted upon at that election by the voters of a
47 single municipality. When the public question to be voted upon by

1 the voters of a regional school district is the amount of money to be
2 raised for the use of the regional schools of the district, the amount
3 of money determined to be the constituent municipality's share
4 thereof may be identified on the ballot pursuant to N.J.S.18A:13-17.

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

14 The ballots for ²[a] an annual² school election to be held
15 simultaneously with the general election shall be in accordance with
16 the provisions of chapter 14 of Title 19 of the Revised Statutes.

17 At ²[a] an annual² school election held simultaneously with the
18 general election, the names of the candidates for the office of
19 member of the board of education shall appear on the ballot
20 separately from the names of candidates for other offices ²whenever
21 possible². Any proposals for additional funds pursuant to paragraph
22 (9) of subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5)
23 shall appear on the ballot ²[in close proximity to] near² the names
24 of the candidates for the office of member of the board of education
25 ²whenever possible².

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

27
28 38. Section 11 of P.L.1995, c.278 (C.19:60-11) is amended to
29 read as follows:

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

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

1 signature copy registers for those election districts shall be provided
2 to those election officers.

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

4

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

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

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

30

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

32 54:4-45. The clerk or other proper officer of each type II school
33 district **【in which the annual appropriations for school purposes to**
34 **be raised by taxation, are voted by the inhabitants of the school**
35 **district,】** having no board of school estimate shall, on or before
36 May 19 in each year, transmit to the county board of taxation a
37 certified statement of the amount of moneys appropriated for school
38 purposes, which shall include interest to be paid, principal
39 payments of indebtedness, and sinking fund requirements for the
40 school year for which such appropriations are made, to be raised by
41 taxation in the school district.

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

43

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

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

11

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

23

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

35

36 44. (New section) The ³**[Commissioner]** Director of the
37 Division of Local Government Services in the Department³
38 of Community Affairs³ and the Director of the Division of Taxation³
39 in the Department of Treasury³, in consultation with the
40 Commissioner of Education, shall ³**[promulgate rules pursuant to**
41 **the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1**
42 **et seq.) for the procedure]** take such action as deemed necessary³
43 for the delivery of estimated tax bills and the recertification of the
44 school district tax levy pursuant to section 43 of P.L. ,
45 c. (C.) (pending before the Legislature as this bill) for districts
46 in which the annual school election is in November and that
47 determine to submit proposal or proposals for additional funds

1 pursuant to paragraph (9) of subsection d. of section 5 of P.L.1996,
2 c.138 (C.18A:7F-5).

3
4 45. (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
7 the Legislature as this bill), an elected member of a board of
8 education, or a member of a board of education appointed to serve
9 the unexpired term of an elected member, or an appointed member
10 of a board of education other than a member in a district in a city of
11 the first class, who is holding office on the effective date of P.L. ,
12 c. (C.) (pending before the Legislature as this bill) shall
13 continue in office until the day in January next following the year in
14 which his term was originally set to expire when his successor takes
15 office.

16
17 ²46. R.S.19:49-2 is amended to read as follows:

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

37 For the primary election for the general election in all counties
38 where voting machines are or shall be used, all candidates who shall
39 file a joint petition with the county clerk of their respective county
40 and who shall choose the same designation or slogan shall be drawn
41 for position on the ballot as a unit and shall have their names placed
42 on the same line of the voting machine; and provided further, that
43 all candidates for municipal or party office in municipalities in
44 counties where voting machines are or shall be used who shall file
45 a petition with the clerk of their municipality bearing the same
46 designation or slogan as that of the candidates filing a joint petition
47 with the county clerk as aforesaid, may request that his or her name
48 be placed on the same line of the voting machine with the

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

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

27

28 ²[46.] 47.² This act shall take effect ²[on January 1 next
29 following enactment] immediately².