

[First Reprint]

**SENATE, No. 2086**

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**STATE OF NEW JERSEY**  
**215th LEGISLATURE**

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INTRODUCED JUNE 18, 2012

**Sponsored by:**

**Senator JIM WHELAN**

**District 2 (Atlantic)**

**Assemblyman LOUIS D. GREENWALD**

**District 6 (Burlington and Camden)**

**Assemblyman TROY SINGLETON**

**District 7 (Burlington)**

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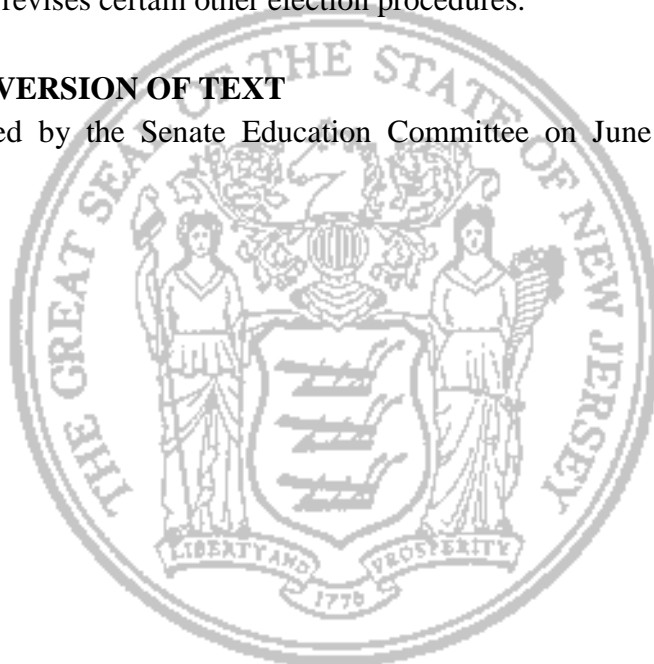
**Assemblywoman Jasey and Assemblyman Diegnan**

**SYNOPSIS**

Changes deadline for filing nominating petitions for school board candidates to last Monday in July; revises procedure for filling school board candidate vacancy; and revises certain other election procedures.

**CURRENT VERSION OF TEXT**

As reported by the Senate Education Committee on June 6, 2013, with amendments.



**(Sponsorship Updated As Of: 12/20/2013)**

1 AN ACT concerning <sup>1</sup>**[**petitions of nomination for candidates  
 2 seeking election as members of boards of education**]** elections<sup>1</sup>  
 3 and amending <sup>1</sup>**[**P.L.1995, c.278**]** various parts of the statutory  
 4 law<sup>1</sup>.

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

8  
 9 1. Section 7 of P.L.1995, c.278 (C.19:60-7) is amended to read  
 10 as follows:

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

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

37 A vacancy created by a declination of nomination or withdrawal  
 38 by, or death of, a nominee, or in any other manner, shall be  
 39 <sup>1</sup>**[**ineligible to be**]**<sup>1</sup> filled under the provisions of R.S.19:13-19 <sup>1</sup>**[**or  
 40 otherwise**]**<sup>1</sup>.

41 Whenever written objection to a petition of nomination  
 42 hereunder shall have been made and timely filed with the secretary  
 43 of the board of education or with the county clerk, as may be  
 44 appropriate, the board of education shall file its determination of the

**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:

<sup>1</sup>Senate SED committee amendments adopted June 6, 2013.

1 objection on or before the 44th day preceding the April school  
2 election or the county clerk shall file the clerk's determination of  
3 the objection on or before the ~~10th~~ <sup>1</sup>~~61st~~ 10th<sup>1</sup> day ~~after the~~  
4 last day for the filing of petitions for candidates seeking election as  
5 a member of a board of education at] <sup>1</sup>~~preceding~~ after the last  
6 day for the filing of petitions for candidates seeking election as a  
7 member of a board of education at<sup>1</sup> the November school election,  
8 as applicable. The last day upon which a candidate may file with the  
9 Superior Court a verified complaint setting forth any invasion or  
10 threatened invasion of the candidate's rights under the candidate's  
11 petition of nomination shall be the 46th day before the April  
12 election or the ~~12th~~ <sup>1</sup>~~52nd~~ 12th<sup>1</sup> day ~~after the last day for the~~  
13 filing of petitions for candidates seeking election as a member of a  
14 board of education at] <sup>1</sup>~~preceding~~ after the last day for the filing  
15 of petitions for candidates seeking election as a member of a board  
16 of education at<sup>1</sup> the November election, as applicable. The last day  
17 upon which a candidate whose petition of nomination or any  
18 affidavit thereto is defective may amend such petition or affidavit  
19 shall be the 44th day before the April election or the ~~10th~~ <sup>1</sup>~~54th~~  
20 10th<sup>1</sup> day ~~after the last day for the filing of petitions for candidates~~  
21 seeking election as a member of a board of education at]  
22 <sup>1</sup>~~preceding~~ after the last day for the filing of petitions for  
23 candidates seeking election as a member of a board of education at<sup>1</sup>  
24 the November election, as applicable.

25 <sup>1</sup>In each school district in which candidates for the office of  
26 member of a board of education will seek election at the November  
27 school election, the school business administrator thereof shall  
28 certify to the county clerk no later than the day of the holding of the  
29 primary election for the general election next occurring a statement  
30 designating the public offices to be filled at such election, and the  
31 number of such offices to be filled.<sup>1</sup>

32 (cf: P.L.2011, c.202, s.36)

33

34 <sup>1</sup>2. N.J.S.18A:12-15 is amended to read as follows:

35 18A:12-15. Vacancies in the membership of the board shall be  
36 filled as follows:

37 a. By the county superintendent, if the vacancy is caused by the  
38 absence of candidates for election to the school board or by the  
39 removal of a member because of lack of qualifications, or is not  
40 filled within 65 days following its occurrence;

41 b. By the county superintendent, to a number sufficient to make  
42 up a quorum of the board if, by reason of vacancies, a quorum is  
43 lacking;

44 c. By special election, if in the annual school election two or  
45 more candidates qualified by law for membership on the school  
46 board receive an equal number of votes. Such special election shall  
47 be held only upon recount and certification by the county board of

1 elections of such election result, shall be restricted to such  
2 candidates, shall be held within 60 days of the annual school  
3 election, and shall be conducted in accordance with procedures for  
4 annual and special school elections set forth in Title 19 of the  
5 Revised Statutes. The vacancy shall be filled by the county  
6 superintendent if in such special election two or more candidates  
7 qualified by law for membership on the school board receive an  
8 equal number of votes;

9 d. By special election if there is a failure to elect a member at  
10 the annual school election due to improper election procedures.  
11 Such special election shall be restricted to those persons who were  
12 candidates at such annual school election, shall be held within 60  
13 days of such annual school election, and shall be conducted in  
14 accordance with the procedures for annual and special school  
15 elections set forth in Title 19 of the Revised Statutes;

16 e. By the commissioner if there is a failure to elect a member at  
17 the annual school election due to improper campaign practices; or

18 f. By a majority vote of the remaining members of the board  
19 after the vacancy occurs in all other cases.

20 Each member so appointed shall serve until the organizational  
21 meeting following the next annual election unless ~~he~~ the member  
22 is appointed to fill a vacancy occurring within the 60 days  
23 immediately preceding such election if the annual election is held in  
24 April, or occurring after the third Monday in July if the election is  
25 held in November, to fill a term extending beyond such election, in  
26 which case ~~he~~ the member shall serve until the organizational  
27 meeting following the second annual election next succeeding the  
28 occurrence of the vacancy, and any vacancy for the remainder of the  
29 term shall be filled at the annual election or the second annual  
30 election next succeeding the occurrence of the vacancy, as the case  
31 may be.<sup>1</sup>

32 (cf: P.L.1996, c.153, s.1.)

33

34 <sup>1</sup>3. N.J.S.18A:13-34 is amended to read as follows:

35 18A:13-34. If the boards of education of two or more local  
36 districts, or the board of education of a consolidated district, or of a  
37 district comprising two or more municipalities, and the  
38 commissioner or his representative, after consultation, study and  
39 investigation, shall determine, that it is advisable for such districts  
40 to join and create, or for such district to become

41 (a) an all purpose regional school district for all the school  
42 purposes of such districts or district, or

43 (b) a limited purpose regional school district to provide and  
44 operate, in the territory comprised within such local districts or  
45 district, one or more of the following: elementary schools, junior  
46 high schools, high schools, vocational schools, special schools,  
47 health facilities or particular educational services or facilities, that  
48 board or boards shall by resolution frame and adopt a proposal to

1 that effect stating also the manner in which the amounts to be raised  
2 for annual or special appropriations for such proposed regional  
3 school district, including the amounts to be raised for interest upon,  
4 and the redemption of bonds payable by the regional district, shall  
5 be apportioned upon the basis of:

6 a. the portion of each municipality's equalized valuation  
7 allocated to the regional district, calculated as described in the  
8 definition of equalized valuation in section 3 of P.L.1990, c.52  
9 (C.18A:7D-3);

10 b. the proportional number of pupils enrolled from each  
11 municipality on the 15th day of October of the prebudget year in the  
12 same manner as would apply if each municipality comprised  
13 separate constituent school districts; or

14 c. any combination of apportionment based upon equalized  
15 valuations pursuant to subsection a. of this section or pupil  
16 enrollments pursuant to subsection b. of this section, and each such  
17 board shall **call for a special school election to be held upon**  
18 submit on the same day in each municipality in its district **and**  
19 **shall submit thereat** at a special election or at the general election  
20 the question whether or not the proposal shall be approved, briefly  
21 describing the contents of the resolution and stating the date of its  
22 adoption and they may submit also, at the special election, as part of  
23 such proposal, any other provisions which may be submitted, at  
24 such a special election, under the provisions of this chapter but no  
25 such special election shall be held on any day before April 15 or  
26 after December 1 of any calendar year. Except as otherwise  
27 provided herein, the special election shall be conducted in  
28 accordance with the provisions of P.L.1995, c.278 (C.19:60-1 et  
29 al.).<sup>1</sup>

30 (cf: P.L.1995, c.278, s.33)

31

32 <sup>14.</sup> R.S.19:13-16 is amended to read as follows:

33 19:13-16. When a person nominated as herein provided by direct  
34 petition or State convention for election to public office at the  
35 general election shall, at least **60** 70 days before the day of the  
36 general election, in a writing signed by him and duly acknowledged,  
37 notify the officer with whom the original petition or certificate of  
38 nomination was filed that he declines the nomination, the  
39 nomination shall be void.<sup>1</sup>

40 (cf: P.L.1985, c.92, s.12)

41

42 <sup>15.</sup> Section 1 of P.L.2011, c.202 (C.19:60-1.1) is amended to  
43 read as follows:

44 1. a. (1) The question of moving the date of a school district's  
45 annual school election to the first Tuesday after the first Monday in  
46 November, to be held simultaneously with the general election,  
47 shall be submitted to the legal voters of a local or regional school

1 district, other than a Type II district with a board of school estimate,  
2 whenever a petition signed by not less than 15% of the number of  
3 legally qualified voters who voted in the district at the last  
4 preceding general election held for the election of electors for  
5 President and Vice-President of the United States is filed with the  
6 board of education. The question shall be submitted to the voters of  
7 the district at the next general election, provided that at least 60  
8 days have lapsed since the date of the filing of the petition. In the  
9 event that the question is not approved by the voters, no petition  
10 may be filed to submit the question to the voters within one year  
11 after an election shall have been held pursuant to any petition filed  
12 pursuant to this subsection.

13 The date of the annual school election may be moved to the first  
14 Tuesday after the first Monday in November without voter  
15 approval, upon the adoption of a resolution by the board of  
16 education of a local or regional school district, other than a Type II  
17 district with a board of school estimate, or the governing body or  
18 bodies of the municipality or municipalities constituting the district.  
19 Prior to holding a meeting for the adoption of the resolution to  
20 move the date of the annual school election, the governing body or  
21 bodies of the municipality or municipalities constituting the district  
22 shall provide adequate notice of the meeting to the affected board or  
23 boards of education.

24 (2) In the event that the date of a school district's annual school  
25 election is moved to the day of the general election, the annual  
26 school election in November shall be held for the purpose of  
27 submitting a proposal to the voters for approval of additional funds  
28 pursuant to paragraph (9) of subsection d. of section 5 of P.L.1996,  
29 c.138 (C.18A:7F-5), for the purpose of electing members of the  
30 board of education, and for any other purpose authorized by law. A  
31 vote shall not be required on the district's general fund tax levy for  
32 the budget year, other than the general fund tax levy required to  
33 support a proposal for additional funds.

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

41 (4) In the event that the date of a school district's annual school  
42 election is moved to the day of the general election pursuant to this  
43 subsection, the board of education and the county board of elections  
44 shall enter into an agreement, pursuant to guidelines established by  
45 the Secretary of State, under which the board of education shall pay  
46 any agreed upon increase in the costs, charges, and expenses that  
47 may be associated with holding the school election simultaneously  
48 with the general election.

1       b. (1) In the case of a school district that has moved the date of  
2 its annual school election to November pursuant to subsection a. of  
3 this section, the question of moving the date of the school district's  
4 annual school election to the third Tuesday in April shall be  
5 submitted to the legal voters of a local or regional school district,  
6 other than a Type II district with a board of school estimate,  
7 whenever a petition signed by not less than 15% of the number of  
8 legally qualified voters who voted in the district at the last  
9 preceding general election held for the election of electors for  
10 President and Vice-President of the United States is filed with the  
11 board of education. The question shall be submitted to the voters of  
12 the district at the next general election, provided that at least 60  
13 days have lapsed since the date of the filing of the petition.

14       The date of the annual school election may be moved to the third  
15 Tuesday in April without voter approval, upon the adoption of a  
16 resolution by the board of education of a local or regional school  
17 district, other than a Type II district with a board of school estimate,  
18 or the governing body or bodies of the municipality or  
19 municipalities constituting the district. Prior to holding a meeting  
20 for the adoption of the resolution to move the date of the annual  
21 school election, the governing body or bodies of the municipality or  
22 municipalities constituting the district shall provide adequate notice  
23 of the meeting to the affected board or boards of education.

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

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

34       (3) In addition to the process set forth in paragraph (1) of this  
35 subsection, in the event that all the constituent districts of a limited  
36 purpose regional school district approve moving the date of their  
37 annual school elections to the third Tuesday in April, by any of the  
38 procedures established pursuant to this subsection, then the annual  
39 school election for the limited purpose regional school district shall  
40 also be conducted on the third Tuesday in April.

41       c. Notice, in writing, to change the date of a school election  
42 from the third Tuesday in April to the first Tuesday in November  
43 shall be given to the county clerk no less than 60 days prior to the  
44 third Tuesday in April to take effect for that year's election. For a  
45 change from the first Tuesday in November to the third Tuesday in  
46 April, notice must be given to the county clerk no less than 85 days  
47 prior to the third Tuesday in April to take effect for that year's  
48 election. Timely notice shall also be given by the board of

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1 education or municipal governing body adopting such resolution to  
2 any other affected boards of education and municipal governing  
3 bodies.<sup>1</sup>

4 (cf: P.L.2012, c.78, s.8)

5

6 <sup>1</sup>**[2.]** 6.<sup>1</sup> This act shall take effect on January 1st following the  
7 day of enactment.