

**SENATE, No. 1297**

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**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

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INTRODUCED FEBRUARY 8, 2016

**Sponsored by:**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**SYNOPSIS**

Permits candidates for school board to circulate petitions jointly and be bracketed together on ballot; permits short nonpolitical designation of principles on petitions and ballots; provides for study of impact of changes.

**CURRENT VERSION OF TEXT**

As introduced.



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1 AN ACT concerning the candidates and ballots in annual school  
2 elections, providing for a study of the impact thereof, and  
3 amending P.L.1995, c.278.

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

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

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

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

26 An annual school election shall be held simultaneously with the  
27 general election on the first Tuesday after the first Monday in  
28 November in school districts in which the annual school election  
29 has been moved to that date pursuant to subsection a. of section 1 of  
30 P.L.2011, c.202 (C.19:60-1.1) or pursuant to section 1 of P.L.2012,  
31 c.78 (C.19:60-1.2). The annual school election in November shall  
32 be for the purpose of submitting a proposal to the voters for the  
33 approval of additional funds in a Type II district without a board of  
34 school estimate pursuant to paragraph (9) of subsection d. of section  
35 5 of P.L.1996, c.138 (C.18A:7F-5), for the purpose of electing  
36 members of the board of education, and for any other purpose  
37 authorized by law.

38 b. All school elections shall be by ballot and, except as  
39 otherwise provided by P.L.1995, c.278 (C.19:60-1 et al.), shall be  
40 conducted in the manner provided for general elections pursuant to  
41 Title 19 of the Revised Statutes. No **[grouping of candidates or]**  
42 party designation shall appear on any ballot to be used in a school  
43 election. At the request of one or more candidates, the ballot for a  
44 school election may include a designation in not more than three  
45 words that conveys the principles which the candidate or candidates  
46 therein named represent, but such designation shall not contain 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.

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1 name, or a derivative or any part thereof, as a noun or an adjective  
2 of any political party entitled to participate in a primary election.

3 (cf: P.L.2012, c.78, s.5)

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5 2. Section 7 of P.L.1995, c.278 (C.19:60-7) is amended to read  
6 as follows:

7 7. Each candidate to be voted upon at a school election shall be  
8 nominated directly by petition, and the procedures for such  
9 nomination shall, to the extent not inconsistent with the provisions  
10 of P.L.1995, c.278 (C.19:60-1 et al.), conform to the procedure for  
11 nominating candidates by direct petition under chapter 13 of Title  
12 19 of the Revised Statutes. Notwithstanding the provisions of  
13 R.S.19:13-5, however, a petition of nomination for such office shall  
14 be signed by at least 10 persons, one of whom may be the  
15 candidate, and filed with the secretary of the board of education on  
16 or before four p.m. of the 50th day preceding the date of the April  
17 school election, or with the county clerk on or before four p.m. of  
18 the last Monday in July preceding the November school election, as  
19 applicable. The signatures need not all appear upon a single petition  
20 and any number of petitions may be filed on behalf of any candidate  
21 **【but no petition shall contain the endorsement of more than one**  
22 **candidate】** or on behalf of two or more candidates filing a joint  
23 petition. A petition for one or more candidates may include a  
24 designation in not more than three words that conveys the principles  
25 which the candidate or candidates therein named represent, but such  
26 designation shall not contain the name, or a derivative thereof or  
27 any part thereof, as a noun or an adjective of any political party  
28 entitled to participate in a primary election.

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】 70th** day before the date of the November  
34 election, as applicable, and thereupon the name of that candidate  
35 shall be withdrawn by the secretary of the board of education and  
36 shall not 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 filled  
39 under the provisions of R.S.19:13-19.

40 Whenever written objection to a petition of nomination  
41 hereunder shall have been made and timely filed with the secretary  
42 of the board of education or with the county clerk, as may be  
43 appropriate, the board of education shall file its determination of the  
44 objection on or before the 44th day preceding the April school  
45 election or the county clerk shall file the clerk's determination of  
46 the objection on or before the 10th day after the last day for the  
47 filing of petitions for candidates seeking election as a member of a  
48 board of education at the November school election, as applicable.

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1 The last day upon which a candidate may file with the Superior  
2 Court a verified complaint setting forth any invasion or threatened  
3 invasion of the candidate's rights under the candidate's petition of  
4 nomination shall be the 46th day before the April election or the  
5 12th day after the last day for the filing of petitions for candidates  
6 seeking election as a member of a board of education at the  
7 November election, as applicable. The last day upon which a  
8 candidate whose petition of nomination or any affidavit thereto is  
9 defective may amend such petition or affidavit shall be the 44th day  
10 before the April election or the 10th day after the last day for the  
11 filing of petitions for candidates seeking election as a member of a  
12 board of education at the November election, as applicable. In each  
13 school district in which candidates for the office of member of a  
14 board of education will seek election at the November school  
15 election, the school business administrator thereof shall certify to  
16 the county clerk no later than the day of the holding of the primary  
17 election for the general election next occurring a statement  
18 designating the public offices to be filled at such election, and the  
19 number of such offices to be filled.  
20 (cf: P.L.2013, c.172, s.1)

21

22 3. Section 8 of P.L.1995, c.278 (C.19:60-8) is amended to read  
23 as follows:

24 8. The county clerk shall conduct the ballot draw for candidates  
25 for school board member in those school districts that hold  
26 November elections, in accordance with the procedures set forth in  
27 R.S.19:14-12. In those school districts that elect school board  
28 members at the annual April school election, the ballot draw shall  
29 be conducted as follows:

30 a. The drawing shall be done by the secretary of the board of  
31 education seven working days following the last day for filing a  
32 petition for the nomination of such a candidate. The person making  
33 the drawing shall make public announcement at the drawing of each  
34 name, the order in which the name is drawn and the term of office  
35 for which the drawing is made.

36 b. A separate drawing shall be made for each full term and for  
37 each unexpired term, respectively. The names of the several  
38 candidates for whom petitions have been filed for each of the terms  
39 shall be written upon paper slips which shall be placed in capsules  
40 of the same size, shape, color and substance and then placed in a  
41 covered box with an aperture in the top large enough to admit a  
42 person's hand and to allow the capsules to be drawn therefrom. The  
43 box shall be turned and shaken thoroughly to mix the capsules and  
44 the capsules shall be withdrawn one at a time.

45 c. Where there is more than one person to be elected for a  
46 given term of office, the position of the names on the ballots for  
47 each term of office shall be determined as above described. The  
48 name of the candidate for each term of office first drawn from the

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1 box shall be printed directly below the proper term for which the  
2 person was nominated and the name of the candidate next drawn  
3 shall be printed next in order, and so on, until the last name shall be  
4 drawn from the box.

5 d. Two or more candidates for any given term of office may  
6 notify the secretary of the board in writing or the county clerk if the  
7 annual school election is to be held in November, at least seven  
8 days before the drawing date that they wish to have their names  
9 with their chosen designation, if any, bracketed together, so that  
10 their names and designation, if any, are selected as a group at the  
11 drawing and their names and designation are printed together on the  
12 ballot. The candidates shall determine among themselves the order  
13 in which their names are to appear within the bracket prior to so  
14 notifying the secretary.

15 The secretary of the board of education shall, within two days  
16 following the drawing, certify to the county clerk the results of the  
17 drawing.

18 (cf: P.L.2012, c.78, s.7)

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20 4. 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 The names of two or more candidates for any given term who have  
45 notified the secretary of the board or the county clerk if the annual  
46 school election is to be held in November in writing that they wish  
47 to be bracketed together with their chosen designation, if any, shall  
48 appear as a group in the appropriate location on the ballot,

1 depending on whether the candidates are to be elected to fill an  
2 expired or an unexpired term.

3 All public questions to be voted upon at a school election by the  
4 voters of more than one municipality shall be placed first before  
5 any question to be voted upon at that election by the voters of a  
6 single municipality. When the public question to be voted upon by  
7 the voters of a regional school district is the amount of money to be  
8 raised for the use of the regional schools of the district, the amount  
9 of money determined to be the constituent municipality's share  
10 thereof may be identified on the ballot pursuant to N.J.S.18A:13-17.

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

20 The ballots for an annual school election to be held  
21 simultaneously with the general election shall be in accordance with  
22 the provisions of chapter 14 of Title 19 of the Revised Statutes.

23 At an annual school election held simultaneously with the  
24 general election, the names of the candidates for the office of  
25 member of the board of education shall appear on the ballot  
26 separately from the names of candidates for other offices whenever  
27 possible. Any proposals for additional funds pursuant to paragraph  
28 (9) of subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5)  
29 shall appear on the ballot near the names of the candidates for the  
30 office of member of the board of education whenever possible.  
31 (cf: P.L.2011, c.202, s.37)

32  
33 5. The Secretary of State, in consultation with the  
34 Commissioner of Education and of the clerk of each county, shall  
35 conduct a study of the impact of allowing the bracketing of  
36 candidates together and designations of candidates' principles on  
37 school election petitions and ballots, as provided for in  
38 P.L. , c. (pending before the Legislature as this bill). The study  
39 shall be based on data collected from school districts holding annual  
40 elections in either April or at the general election in November for  
41 three years following the enactment of the act. The study shall be  
42 completed and submitted to the Governor and to the Legislature,  
43 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), within one  
44 year following the certification of the results from the last annual  
45 school election held in the third year following the enactment of the  
46 act.

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48 6. This act shall take effect immediately.

STATEMENT

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This bill permits two or more candidates for the office of member of a board of education who seek election at the annual school election held in either April or November of each year to circulate a nominating petition jointly and to be bracketed together for the same term.

Under the bill, two or more candidates could sign or circulate, or both sign and circulate, a joint petition of nomination for the same term. When two or more such candidates also wish to be bracketed together on a ballot, they must first so notify the secretary of the board of education in writing prior to the drawing for position on the ballot. The candidates would determine among themselves the order that their names are to appear within the bracket prior to notifying the secretary. After the drawing occurs, the candidates who are bracketed together will share a position on the ballot as a group and have their names printed together in the appropriate location on the ballot, depending on whether the candidates are to be elected to fill an expired or an unexpired term.

The bill also provides that the Secretary of State, in consultation with the Commissioner of Education and of the clerk of each county, is to conduct a study of the impact of allowing the bracketing of candidates together and designations of candidates' principles on school election petitions and ballots, as provided for the bill. The study is to be based on data collected from school districts holding annual elections in either April or at the general election in November for three years following the enactment of the act. The study is to be completed and submitted to the Governor and to the Legislature within one year following the certification of the results from the last annual school election held in the third year following the enactment of the act.