

SENATE, No. 1491

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

SYNOPSIS

Shortens certain school board members' terms when annual school election is moved from November to April; requires approval of both school board and municipal governing body in order to move school election from November to April.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning school elections and amending P.L.2011, c.202
2 and P.L.2012, c.78.

3

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

6

7 1. Section 45 of P.L.2011, c.202 (C.18A:12-15.1) is amended
8 to read as follows:

9 45. a. In the case of a school district in which the annual
10 school election has been moved to November pursuant to subsection
11 a. of section 1 of P.L.2011, c.202 (C.19:60-1.1) or section 1 of
12 P.L.2012, c.78 (C.19:60-1.2), the term of office of a member of a
13 board of education that is set to expire in April of a given year shall
14 be extended until the day in January next following the year in
15 which the term was originally set to expire when the member's
16 successor takes office.

17 b. In the case of a school district in which the annual school
18 election has been moved from November to April pursuant to
19 subsection b. of section 1 of P.L.2011, c.202 (C.19:60-1.1) or
20 section 1 of P.L.2012, c.78 (C.19:60-1.2), the term of office of a
21 member of a board of education that is set to expire in January next
22 following the year in which the April election occurs shall be
23 shortened to the day following the April election on which the
24 board of education organizes.

25 (cf: P.L.2012, c.78, s.6)

26

27 2. Section 1 of P.L.2011, c.202 (C.19:60-1.1) is amended to
28 read as follows:

29 1. a. (1) The question of moving the date of a school district's
30 annual school election to the first Tuesday after the first Monday in
31 November, to be held simultaneously with the general election,
32 shall be submitted to the legal voters of a local or regional school
33 district, **【other than】** including a Type II district with a board of
34 school estimate, whenever a petition signed by not less than 15% of
35 the number of legally qualified voters who voted in the district at
36 the last preceding general election held for the election of electors
37 for President and Vice-President of the United States is filed with
38 the board of education. The question shall be submitted to the
39 voters of the district at the next general election, provided that at
40 least 60 days have lapsed since the date of the filing of the petition.
41 In the event that the question is not approved by the voters, no
42 petition may be filed to submit the question to the voters within one
43 year after an election shall have been held pursuant to any petition
44 filed pursuant to this subsection.

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.

1 The date of the annual school election may be moved to the first
2 Tuesday after the first Monday in November without voter
3 approval, upon the adoption of a resolution by the board of
4 education of a local or regional school district, **【other than】**
5 including a Type II district with a board of school estimate, or the
6 governing body or bodies of the municipality or municipalities
7 constituting the district. Prior to holding a meeting for the adoption
8 of the resolution to move the date of the annual school election, the
9 governing body or bodies of the municipality or municipalities
10 constituting the district shall provide adequate notice of the meeting
11 to the affected board or boards of education.

12 (2) In the case of a Type II district without a board of school
13 estimate, in the event that the date of a school district's annual
14 school election is moved to the day of the general election, the
15 annual school election in November shall be held for the purpose of
16 submitting a proposal to the voters for approval of additional funds
17 pursuant to paragraph (9) of subsection d. of section 5 of P.L.1996,
18 c.138 (C.18A:7F-5), for the purpose of electing members of the
19 board of education, and for any other purpose authorized by law. A
20 vote shall not be required on the district's general fund tax levy for
21 the budget year, other than the general fund tax levy required to
22 support a proposal for additional funds.

23 In the case of a Type II district with a board of school estimate,
24 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 set forth
27 in subsection b. of section 1 of P.L.2012, c.78 (C.19:60-1.2).

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

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

43 b. (1) In the case of a school district that has moved the date of
44 its annual school election to November pursuant to subsection a. of
45 this section, the question of moving the date of the school district's
46 annual school election to the third Tuesday in April shall be
47 submitted to the legal voters of a local or regional school district,
48 **【other than】** including a Type II district with a board of school

1 estimate, whenever a petition signed by not less than 15% of the
2 number of legally qualified voters who voted in the district at the
3 last preceding general election held for the election of electors for
4 President and Vice-President of the United States is filed with the
5 board of education. The question shall be submitted to the voters of
6 the district at the next general election, provided that at least 60
7 days have lapsed since the date of the filing of the petition.

8 The date of the annual school election may be moved to the third
9 Tuesday in April without voter approval, upon the adoption of a
10 resolution by both the board of education of a local or regional
11 school district, **【other than】** including a Type II district with a
12 board of school estimate, **【or】** and the governing body or bodies of
13 the municipality or municipalities constituting the district. Prior to
14 holding a meeting for the adoption of the resolution to move the
15 date of the annual school election, the governing body or bodies of
16 the municipality or municipalities constituting the district shall
17 provide adequate notice of the meeting to the affected board or
18 boards of education.

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

22 (2) In the case of a Type II district without a board of school
23 estimate, in the event that the date of the annual school election is
24 moved to the third Tuesday in April, a vote shall be held on the
25 district's general fund tax levy for the budget year including any
26 proposal for additional funds pursuant to paragraph (9) of
27 subsection d. of section 5 of P.L.1996, c.138 (C.18A:7F-5), the
28 election of members of the board of education, and for any other
29 purpose authorized by law.

30 In the case of a Type II district with a board of school estimate,
31 in the event that the date of a school district's annual school
32 election is moved to the third Tuesday in April, the annual school
33 election in April shall be held for the purpose set forth in subsection
34 c. of section 1 of P.L.2012, c.78 (C.19:60-1.2).

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

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

1 election. Timely notice shall also be given by the board of
2 education or municipal governing body adopting such resolution to
3 any other affected boards of education and municipal governing
4 bodies.

5 (cf: P.L.2013, c.172, s.5)

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7 3. Section 1 of P.L.2012, c.78 (C.19:60-1.2) is amended to read
8 as follows:

9 1. a. **【**Notwithstanding any other law or regulation to the
10 contrary, a Type II district with a board of school estimate may
11 move the date of the school district's annual school election
12 pursuant to the provisions of section 1 of P.L.2011, c.202 (C.19:60-
13 1.1).**】** (Deleted by amendment, P.L. , c.) (pending before the
14 Legislature as this bill)

15 b. Notwithstanding any other law or regulation to the contrary,
16 in the event that the date of the annual school election is moved to
17 the day of the general election in a Type II district with a board of
18 school estimate, the election shall be held for the purpose of
19 electing members of the board of education and for any other
20 purpose authorized by law. The board of school estimate shall not
21 determine the district's general fund tax levy for the budget year,
22 other than the general fund tax levy required to support a proposal
23 for additional funds pursuant to paragraph (9) of subsection d. of
24 section 5 of P.L.1996, c.138 (C.18A:7F-5).

25 c. Notwithstanding any other law or regulation to the contrary,
26 in a Type II district with a board of school estimate that has moved
27 the date of its annual school election to November and subsequently
28 moves the annual school election to the third Tuesday in April, a
29 vote shall be held for the purpose of electing members of the board
30 of education and for any other purpose authorized by law. The
31 board of school estimate shall determine the district's general fund
32 tax levy for the budget year, including any proposal for additional
33 funds pursuant to paragraph (9) of subsection d. of section 5 of
34 P.L.1996, c.138 (C.18A:7F-5).

35 (cf: P.L.2012, c.78, s.1)

36
37 4. This act shall take effect immediately.
38
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40 STATEMENT

41
42 Under P.L.2011, c.202 (C.19:60-1.1 et al.), school districts are
43 permitted to move the annual school election from the third
44 Tuesday in April to the date of the general election in November.
45 Pursuant to that law, when a school district moves the election to
46 November, the term of office of a school board member that is set
47 to expire in April of a given year will be extended until the day in

1 January next following the year in which the term was originally set
2 to expire when the member's successor takes office.

3 P.L.2011, c.202 also permits a district to move the annual school
4 election from the date of the general election back to the third
5 Tuesday in April. Under these circumstances, this bill provides that
6 the term of a school board member that is set to expire in January
7 next following the year in which the April election occurs will be
8 shortened. The term of these board members will expire on the date
9 after the April election when the new board organizes and the board
10 member's successor takes office.

11 The bill also provides that in order to move the annual school
12 election from the date of the general election back to the third
13 Tuesday in April, both the board of education of the local or
14 regional school district and the governing body of the municipality
15 or municipalities constituting the district would be required to adopt
16 a resolution to move the election. Under current law, a resolution
17 by either the board of education or the governing body of the
18 municipality would be sufficient to move the election back to April.
19 The bill does not alter the current process that permits the date of
20 the school district's election to be moved back to April with voter
21 approval.

22 The bill also makes a technical amendment to section 1 of
23 P.L.2011, c.202 (C.19:60-1.1). The provision is amended to clarify
24 that Type II districts with boards of school estimate are permitted to
25 move their annual school election date. These types of districts are
26 permitted to do so pursuant to section 1 of P.L.2012, c.78 (C.19:60-
27 1.2).