

SENATE BILL NO. 1328

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 1328 with my recommendations for reconsideration.

This legislation would supplement a proposal from my property tax reform toolkit and allow a "Type II" school district with a board of school estimate to move the date of its annual school election to the day of the general election in November. The procedures for moving these Type II school elections would be identical to the procedures set forth in P.L. 2011, c. 202, which I signed into law in January, that allow Type II districts without a board of school estimate to move their school election to November. Hundreds of New Jersey's school districts have already taken advantage of that new law, advancing my goals of saving taxpayer dollars and increasing voter participation in annual school board elections.

While I appreciate the sponsors' efforts to increase the number of school districts that can move their elections from April to November, I am concerned with the technical language used in this bill. First, the legislation attempts to amend existing law defining term limits for current members of boards of education whose terms expire in April, but whose replacements would not be elected until November. The language in the bill would properly extend the term of office for a school board member in the first year a school district's elections are held in November, eliminating the gap in service that would otherwise occur. However, the proposed language fails to extend the service for those terms expiring in the second and third years after a school district has moved its election to November,

leaving gaps in school board membership in hundreds of school districts across the State. As such, I recommend revising the bill so that all current school board members' terms of office would be extended from April of the year their terms were set to expire until their successors take office the following January. This change will help ensure that moving a school election to November does not inadvertently impact the ability of school boards to perform their responsibilities.

Second, I recommend clarifying that, for school elections conducted in November, the county clerk shall conduct drawings for ballot placement in the same manner as the county clerk does for all other elections conducted in November. Finally, to ensure that county clerks have sufficient notice when school board elections are moved, I recommend that an annual deadline of 60 days prior to the April election date be set for school districts to notify the county clerk to change the date of their election from April to November, and that an annual deadline of 85 days prior to the April election date be set for school districts to notify the county clerk to change the date of their election from November to April.

With these technical amendments, voters in Type II school districts with a board of school estimate will be able to join the hundreds of other districts across New Jersey in moving their school elections to a single, sensible voting date in November.

Accordingly, I herewith return Senate Bill No. 1328 and recommend that it be amended as follows:

Page 10, Section 6, Line 29:

Delete "an elected" and insert "the term of office of a"

Page 10, Section 6, Line 30:

Delete ", or a member of a board of"

- Page 10, Section 6, Lines 31-34: Delete in their entirety
- Page 10, Section 6, Line 35: Before "set" insert "that is"
- Page 10, Section 6, Line 35: Delete "the first year in which the annual school election"
- Page 10, Section 6, Line 36: Delete "occurs in November shall continue in office" and insert "April of a given year shall be extended"
- Page 10, Section 6, Line 37: Delete "his" and insert "the"
- Page 10, Section 6, Line 38: Delete "his" and insert "the member's"
- Page 10, Line 40: Insert new section "7. Section 8 of P.L.1995, c.278 (C.19:60-9) is amended to read as follows:
8. [Notwithstanding the provisions of R.S.19:14-12, the position which the names of candidates shall have upon the annual school election ballot in each school district shall be determined by the secretary of the board of education by conducting a drawing in the following manner]The county clerk shall conduct the ballot draw for candidates for school board member in those school districts that hold November elections, in accordance with the procedures set forth in R.S. 19:14-12. In those school districts that elect school board members at the annual April school election, the ballot draw shall be conducted as follows:
- a. The drawing shall be done by the secretary of the board of education seven working days following the last day for filing a petition for the nomination of such a candidate. The person making the drawing shall make public announcement at the drawing of each name, the order in which the name is drawn and the term of office for which the drawing is made.

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

c. Where there is more than one person to be elected for a given term of office, the position of the names on the ballots for each term of office shall be determined as above described. The name of the candidate for each term of office first drawn from the box shall be printed directly below the proper term for which the person was nominated and the name of the candidate next drawn shall be printed next in order, and so on, until the last name shall be drawn from the box.

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

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

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

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

The date of the annual school election may be moved to the first Tuesday after the first Monday in November without voter approval, upon the adoption of a resolution by the board of education of a local or regional school district, other than a Type II district with a board of school estimate, or the governing body or bodies of the municipality or municipalities constituting the district.

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

general fund tax levy required to support a proposal for additional funds.

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

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

b. (1) In the case of a school district that has moved the date of its annual school election to November pursuant to subsection a. of this section, the question of moving the date of the school district's annual school election to the third Tuesday in April shall be submitted to the legal voters of a local or regional school district, other than a Type II district with a board of school estimate, whenever a petition signed by not less than 15% of the number of legally qualified voters who voted in the district at the last preceding

general election held for the election of electors for President and Vice-President of the United States is filed with the board of education. The question shall be submitted to the voters of the district at the next general election, provided that at least 60 days have lapsed since the date of the filing of the petition.

The date of the annual school election may be moved to the third Tuesday in April without voter approval, upon the adoption of a resolution by the board of education of a local or regional school district, other than a Type II district with a board of school estimate, or the governing body or bodies of the municipality or municipalities constituting the district.

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

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

(3) In addition to the process set forth in paragraph (1) of this subsection, in the event that all the constituent districts of a limited purpose regional school district approve moving the date of their annual school elections to the third Tuesday in April, by any of the procedures established pursuant to this

subsection, then the annual school election for the limited purpose regional school district shall also be conducted on the third Tuesday in April.

c. Notice, in writing, to change the date of a school election from the third Tuesday in April to the first Tuesday in November shall be given to the county clerk no less than 60 days prior to the third Tuesday in April to take effect for that year's election. For a change from the first Tuesday in November to the third Tuesday in April, notice must be given to the county clerk no less than 85 days prior to the third Tuesday in April to take effect for that year's election. Timely notice shall also be given by the board of education or municipal governing body adopting such resolution to any other affected boards of education and municipal governing bodies."

Page 10, Section 7, Line 41:

Delete "7" and insert "9"

Respectfully,

/s/Chris Christie

Governor

[seal]

Attest:

/s/Charles B. McKenna

Chief Counsel to the Governor