

SENATE, No. 868

STATE OF NEW JERSEY
218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Senator STEPHEN M. SWEENEY

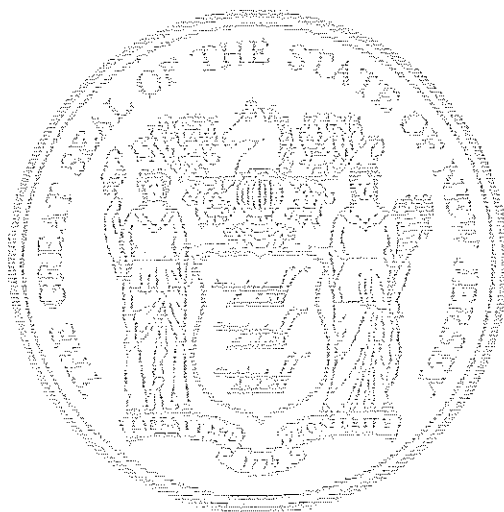
District 3 (Cumberland, Gloucester and Salem)

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.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning the candidates and ballots in annual school
2 elections, and amending P.L.1995, c.278 (C.19:60-1 et seq.).

3
4 BE IT ENACTED by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 1 of P.L.1995, c.278 (C.19:60-1) is amended to read
8 as follows:

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

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

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

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

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 therein named represent, but such designation shall not contain the
2 name, or a derivative or any part thereof, as a noun or an adjective
3 of any political party entitled to participate in a primary election.
4 (cf: P.L.2012, c.78, s.5)
5

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

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

30 Any candidate may withdraw as a candidate in a school election
31 by filing a notice in writing, signed by the candidate, of such
32 withdrawal with the secretary of the board of education before the
33 44th day before the date of the April election or with the county
34 clerk on the ~~60th~~ 70th day before the date of the November
35 election, as applicable, and thereupon the name of that candidate
36 shall be withdrawn by the secretary of the board of education and
37 shall not be printed on the ballot.

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

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
45 objection on or before the 44th day preceding the April school
46 election or the county clerk shall file the clerk's determination of
47 the objection on or before the 10th day after the last day for the
48 filing of petitions for candidates seeking election as a member of a

1 board of education at the November school election, as applicable.
2 The last day upon which a candidate may file with the Superior
3 Court a verified complaint setting forth any invasion or threatened
4 invasion of the candidate's rights under the candidate's petition of
5 nomination shall be the 46th day before the April election or the
6 12th day after the last day for the filing of petitions for candidates
7 seeking election as a member of a board of education at the
8 November election, as applicable. The last day upon which a
9 candidate whose petition of nomination or any affidavit thereto is
10 defective may amend such petition or affidavit shall be the 44th day
11 before the April election or the 10th day after the last day for the
12 filing of petitions for candidates seeking election as a member of a
13 board of education at the November election, as applicable. In each
14 school district in which candidates for the office of member of a
15 board of education will seek election at the November school
16 election, the school business administrator thereof shall certify to
17 the county clerk no later than the day of the holding of the primary
18 election for the general election next occurring a statement
19 designating the public offices to be filled at such election, and the
20 number of such offices to be filled.
21 (cf: P.L.2013, c.172, s.1)
22

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

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

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

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

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

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

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

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

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

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

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

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

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

45 The names of two or more candidates for any given term who
46 have notified the secretary of the board, or the county clerk if the
47 annual school election is to be held in November, in writing that
48 they wish to be bracketed together with their chosen designation, if

1 any, shall appear as a group in the appropriate location on the
2 ballot, depending on whether the candidates are to be elected to fill
3 an expired or an unexpired term.

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

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

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

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

33
34 5. This act shall take effect immediately.

35
36
37 STATEMENT

38
39 This bill permits two or more candidates for the office of
40 member of a board of education who seek election at the annual
41 school election held in either April or November of each year to
42 circulate a nominating petition jointly and to be bracketed together
43 for the same term.

44 Under the bill, two or more candidates could sign or circulate, or
45 both sign and circulate, a joint petition of nomination for the same
46 term. When two or more such candidates also wish to be bracketed
47 together on a ballot, they must first so notify the secretary of the
48 board of education in writing prior to the drawing for position on

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1 the ballot. The candidates would determine among themselves the
2 order that their names are to appear within the bracket prior to
3 notifying the secretary. After the drawing occurs, the candidates
4 who are bracketed together will share a position on the ballot as a
5 group and have their names printed together in the appropriate
6 location on the ballot, depending on whether the candidates are to
7 be elected to fill an expired or an unexpired term.