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**Masser, Michelle**

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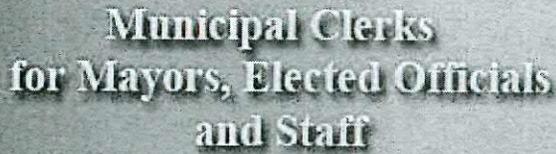
**From:** Lashway, Lisa  
**Sent:** Friday, January 20, 2012 8:44 AM  
**To:** Masser, Michelle; Canning, Sean; 'Larrie Reynolds'; Mount Olive Township Council; Greenbaum, Rob  
**Subject:** FW: New Law permits Moving of School Board Elections

correspondence

Lisa Lashway  
Township Clerk  
Township of Mount Olive  
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Budd Lake, NJ 07828  
973-691-0900 Ext. 7290

**From:** NJLM to Municipal Officials [mailto:njlm-clerks@cityconnections.com]  
**Sent:** Thursday, January 19, 2012 4:27 PM  
**To:** Lashway, Lisa  
**Subject:** New Law permits Moving of School Board Elections

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January 19, 2012

**Re: New Law Permits Moving of School Board Elections**

Dear Mayor:

P.L. 2011, c. 202 establishes procedures for districts, municipalities, or voters to opt to move the annual school election to November and eliminates votes on school budgets for such districts, except for separate proposals to spend above cap was signed into law on January 17, 2012 by Governor Christie.

This new law permits the changing of the annual school board election for all districts, except a Type II with a board of school estimate, to be held simultaneously with the November general election. There are several options available to move the school election day as follows:

- A Public Question filed by a petition with the Board of Education; **or**
- Resolution of the Board of Education; **or**
- Resolution of the Governing Body(s) constituting the school district

Once the election date is moved it can be moved back to the 3<sup>rd</sup> Tuesday in April using one of the options above, however, at least four (4) annual elections in November must have to taken place.

To use the option for the public question to be filed by petition, the petition must be filed with the Board of Education at least 60 days before the general election. The petition must have at least 15% of the number of legally qualified voters who voted in the last general election for President and Vice President of the United States. The question shall be on the general election ballot. If the question is defeated another petition cannot be filed within one year.

If the election is moved to November, voters will not vote on the budget. The voters will be electing members of the Board of Education, voting on approval of additional budgetary funds (exceeding the cap) and other purposes allowed by law. In addition, the Board of Education and County Board of Elections will enter into an agreement under which the Board of Education will 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.

The school budget process and deadlines remain the same except that districts that hold a November election will submit their budget directly to the Commissioner of Education instead of holding a vote on the budget. If a school board, holding elections in November, wishes to exceed the cap it would submit a public question for a vote in November. While waiting for the election, the School Board would adopt a temporary budget that did not exceed the cap, and submit it to the Commissioner for approval. If the voters approve the additional funds the school board would have 15 days to submit a revised budget to the Commissioner of Education. The Board Secretary would then recertify the taxes assessed, levied and collected. The Division of Local Government Services and the Director of the Division of Taxation, in consultation with Commissioner of Education, shall take such action as deemed necessary for the delivery of estimated tax bills and the recertification of the school district levy. If the voters reject the additional funds the temporary budget then becomes the adopted budget for the School Board.

Petitions for School Board members whose election is held in November will file their petitions with the County Clerk no later than 4:00 p.m. on the same day of the Primary Election. Any written objections to such a petition will also be filed with the County Clerk. Candidates for the Board of Education shall be listed in the section of the ballot that is separate from the section featuring other candidates, wherever possible. Public questions from the School Board to exceed the cap shall be near the school candidates whenever possible.

Polling hours for School Board Elections held in November shall be 6:00 a.m. to 8:00 p.m. The Board of Education will continue to set hours for the April Election with polls open at a minimum from 5:00 p.m. to 9:00 p.m.

For School Boards that hold November, elections the Boards reorganization meeting must take place any day in the first week in January. In addition, the term of Board Secretary and Treasure of School Monies would expire annually on January 15.

The term of office for School Board member is three (3) years. When changing the school board election date from April to November the board of

education members shall continue in office until the day in January next following the year in which their term was originally set to expire when their successor takes office.

We are waiting additional guidance from the State on this new law.

Very truly yours,

William G. Dressel, Jr.  
Executive Director

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