SCHOOL BUDGET ELECTION

SYNOPSIS OF LAW

On Tuesday, January 17, 2012, Governor Christie signed Senate Bill S-3148 which allows school districts to move the annual school election to November (first Tuesday after the first Monday) and eliminate a VOTE on the school budget if it is at or below the state mandated cap. Below is a synopsis of the law from what we know at this time:

1. There are three ways that a school election can be moved to November:
   A. By a Resolution of the Board of Education moving the election to November; OR
   B. By a Resolution of the Municipal governing body moving the election to November; OR
   C. By a voter petition containing not less than 15% of the number of legally qualified voters who voted in the last preceding Presidential general election being filed with the Board of Education.

2. If the Board passes a Resolution to move the election to November before the municipal governing body, then the Board’s Resolution would control. The same is true if the reverse were to take place.

3. If a Resolution to move the election to November is adopted, any attempt to revert to the April election date must wait a minimum of four (4) years before it could be changed as in the same manner as A, B, or C in #1.

4. Board Members scheduled for election in April would serve through the November election up to the Board re-organization. Any re-elected and/or newly elected member to the Board would be sworn in at the Board’s re-organization meeting to be held during the first week of January following the November election.

5. Professional appointments (i.e. solicitor, engineer, auditor, etc.,) would be extended up to the Board’s re-organization meeting to be held in January following the November election when new appointments or re-appointments would be made at re-organization.

6. The budget process appears to be unchanged with an election in November. The Board would still submit the budget to the Executive County Superintendent under the same timelines as in the past, receive approval prior to advertising, hold a public hearing on the budget, and adopt the state approved budget at the public hearing. There does not appear to be any indication that the process, as it currently exists, would change in any significant manner.

7. The election in November would be for three (3) purposes:
   a. electing members to the Board of Education;
   b. a proposal to the voters for additional funds over the base budget; and
   c. for any other lawful purpose (such as bond referendum).
8. If the proposed budget is at or below cap, the budget submitted to and approved by the Executive County Superintendent would be final and certified to the County Board of Taxation and certified to the Township for the August tax bill.

9. If there is a separate question for additional funds, the Board operates under a temporary budget within the cap until the additional funds are authorized.

10. If the additional funds are authorized, the revised budget goes to the Commissioner; if not authorized, the temporary budget becomes final.

11. Board members up for election and any members of the community who wish to run for the Board of Education in the November election must file a petition with the County Clerk on or before 4:00 pm on the day of the June primary election. It appears that date for 2012 is Tuesday, June 5, 2012.

12. OPEN ISSUE: The law does not provide a deadline for adopting a Resolution to move the date if the Board is so inclined. An answer is being sought.

13. FORM OF RESOLUTION: For the Board’s consideration, a form Resolution is attached.