

## Questions and Answers about the Change in School Elections

### **Q. What did the new law change concerning school elections?**

A. The law provided new options as to how communities with elected boards of education could schedule the annual school election.

### **Q. When did this become the law?**

A. The bill (S-3148) was approved by the NJ Legislature in January and signed by Governor Christie on January 17, 2012. It is effective immediately.

### **Q. What are these new options?**

A. The election of school board members may now take place at the General Election in November instead of April. If a community chooses to move the election to November, there would no longer be a vote on the school budget, so long as the taxes for the budget were within the allowable state budget cap of 2%.

### **Q. Who decides if the election should be moved to November?**

A. There are three ways this can occur.

The Board of Education can approve a resolution to change the date.

The Township Council can approve a resolution to change the date.

A citizens' petition of 15% of the number of voters who voted in the last Presidential election, however this option can only be voted on at the November election

If either public body approves a resolution to change the election, it will go into effect, even if the other public body disagrees with it.

### **Q. If the election date is changed, does this mean that school elections would always be in November?**

A. The law says that if the election date is changed, it must remain that way for at least four years. After four years, any of the three methods noted above could change it back to April where it would remain for at least another four years. If the election was moved back to April, it would also mean that there would again be a vote on the school budget.

### **Q. What happens to those members of the Board of Education whose terms were due to expire in April, 2012?**

A. The law says that they will remain in office until the first week of January 2013, when the Board of Education is required to hold its annual organization meeting. Should an incumbent Board member be re-elected, he/she would begin the new term as of January, 2013.

**Q. Will changing the date of election cost any more or will it save money?**

A. The law says that if the election is changed the Board of Education must enter into an agreement with the county Board of Elections to pay for any increased cost that may be associated with holding the election simultaneously with the General Election. However, it is expected that there would be a considerable savings in costs since the Board of Education would not have to pay election workers for their services or for the cost of having the voting machines and election materials delivered to the schools as they now do for the April election. The Board of Education now spends over \$14,000 each year for all costs related to the school election in April.

**Q. If the election date is changed and the public no longer votes on the school budget, when does the budget get approved?**

A. The Board would still be required to adhere to all existing budget deadlines established by the NJ Department of Education. This would include the normal submission of the budget to the Executive County Superintendent who must review and approve it. Following that approval, the Board would still conduct its regular public hearing on the budget and then could vote to adopt it. As long as the budget is within the allowable 2% tax cap, the Board's adoption of the budget would be all that is needed for it to be approved. Normally, the Board's adoption of the Budget takes place the last week in March.

**Q. What if the Board proposes a budget that exceeds the 2% cap?**

A. After approval by the Executive County Superintendent, there would be a separate question on the November ballot to approve the amount of the budget which exceeds the 2% cap. If approved by the voters, the Board would then be permitted to use the funds within the current budget year. If the question was defeated the Board would be required to stay within its original budget.

**Q. Will the Berkeley Heights Board of Education be considering a resolution to change the date of the election?**

A. Yes. There will be an item on the agenda at the next regular meeting of the Board which is Thursday, February 9, 2012, at 8:00 p.m. at Columbia Middle School on Plainfield Avenue. The Board will listen to any members of the public who want to speak about this item before taking a vote.

**Q. Will the Township Council consider such a resolution?**

A. The mayor has publicly stated that he felt it was up to the Board of Education to decide if this change should be made. There was information about this new law presented to the Council at their meeting of January 24 by the Board President, and there was no indication that the Council was going to take any action. As previously noted above, they do have the same right as the Board of Education to vote to make this change.