



December 7, 2023

**Position Statement
Supporting
S-4080 (Beach)**

Authorizes school district that moves its annual school election to November to submit separate proposals for additional spending for budget year and subsequent budget year.

The New Jersey School Boards Association (NJSBA), a federation of all local school boards in the state, believes that local boards of education that hold their elections in November should be permitted the flexibility to seek voter approval for “second questions” at the November election that would apply to the subsequent fiscal year.

The NJSBA supports S-4080. In 2012, with the intention of increasing voter turnout, the legislature passed, and the governor enacted P.L. 2011, c. 202. This law permitted local school districts the opportunity to move their annual April school elections to November to coincide with the general election. As an incentive for moving to November, boards of education would forego the annual vote on the T&E budget, if the proposed budget was within the 2% cap. The law still permitted votes on “second questions” which would be placed on the November ballot, concurrent with the vote for board members.

While the key difference between an April election and a November one is the vote on the T&E budget, another difference is the timing of the voter approval of a second question for additional spending. With an April election, any second question on the ballot passes or fails before the start of the fiscal year in July when the budget is implemented. Therefore, the April board knows well in advance of the start of the budget year whether it will implement the program(s) that are the subject of the second question.

However, the timing and impact are slightly different for a second question that fails or succeeds in November because current law only permits a second question to go on the ballot for the current fiscal year that commenced earlier in July. Therefore, a district with a November election cannot implement a full year non-T&E program because it will not know if it has the authority for the spending until November, which is five months into the fiscal year and three months into the school calendar. This may limit the types of questions that can be asked on a November ballot as they may be implemented for a partial school year, unlike a district with an April election where the second question is approved/disapproved prior to the start of the fiscal year.

N.J. Department of Education regulations accommodate November election districts when a separate question is approved. The fiscal regulations require that if the item in the separate proposal cannot be started mid-year, and the amount therefore not be spent in the current year, then the district must reserve and designate the amount of the separate proposal in one of the next two subsequent years. N.J.A.C. 6A:23A-12.1(a)11. Despite this regulation, a district may only ask the voters on the November ballot for spending authority for the fiscal year in which the question is asked. S-4080 creates greater transparency for the public while giving boards of education the flexibility needed to ask the November voters for additional spending authority for the fiscal year in which the board intends to utilize the funding.

The NJSBA urges the Senate Education Committee to approve S-4080.