



New Jersey School Boards Association

MONTCLAIR PUBLIC SCHOOLS



Type II District with a November Election



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Effective Date of Change to Type II

18A:9-9. Type II districts; effective date of change

If the voters of the district shall so elect that the district shall become a type II district, it shall thereafter be governed by the provisions of this title relating to type II districts, and the members of the board of education in office at the time of the election shall continue in office until the expiration of their respective terms and the qualification in office of their respective successors.

Effective date of change to Type II is upon certification of the election results: 11/20/2021

	Expiration of Original Term
Priscilla Church	5/2022
Seat held by Dr. Davis	5/2022
Latifah Jannah	5/2022
Allison Silverstein	5/2023
Kathryn Weller-Demming	5/2024
Crystal Hopkins	5/2024
Eric Scherzer	5/2024

Members in office at time of election continue until term expires.



Term Impact of November Election

§ 18A:12-15.1. Terms of board members in certain districts

In the case of a school district in which the annual school election has been moved to November pursuant to subsection a. of section 1 of [P.L.2011, c.202 \(C.19:60-1.1\)](#) or section 1 of [P.L.2012, c.78 \(C.19:60-1.2\)](#), the term of office of a member of a board of education that is set to expire in April of a given year shall be extended until the day in January next following the year in which the term was originally set to expire when the member's successor takes office.

	Expiration of Original Term	Revised Term Expiration due to Nov. election
Priscilla Church	5/2022	1/2023
Seat held by Dr. Davis	5/2022	1/2023
Latifah Jannah	5/2022	1/2023
Allison Silverstein	5/2023	1/2024
Kathryn Weller-Demming	5/2024	1/2025
Crystal Hopkins	5/2024	1/2025
Eric Scherzer	5/2024	1/2025



Electing Additional Board Members

§ 18A:9-10. Electing additional board members

If the membership of the board in any such district so becoming a type II district is less than nine, it shall be increased to nine by the election of added members at the next annual school election, unless the adopting election shall have been held more than 130 days or less than 60 days before the date fixed for such annual school election, in which case they shall be elected at a special school election which shall be called by the members of the board so holding over.

- **Current Board Membership at time of 11/2/2021 General Election was 7. Since it is < 9, need + 2 more Board seats to = 9**
- **Default of when to add those 2 additional members is the next annual school election which would be 11/8/2022 unless the difference in time between 11/2/2021, the adopting election to move from Type I to Type II, and the next General Election (11/8/2022) is longer than 130 days, then the new members shall instead be elected at a Special School Election.**



Timing of Election of New Members

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Special School Election Dates from State		
2 nd Tuesday in December	December 14, 2021	Need 60 days notice
4 th Tuesday in January	January 25, 2022	Need 60 days notice
2 nd Tuesday in March	March 8, 2022	Meets requirements
Last Tuesday in Sept	September 27, 2022	>130 days since adopting election
November General Election	November 8, 2022	>130 days since adopting election



Guidance from Essex County Clerk

Montclair Board of Education

Special Election

for School Board Members

School Board Election

March 8, 2022

Important Dates in 2022

1st School Board Election

Monday, January 17, 2022 at 4:00pm — Petition Filing deadline for School Board. There will be two seats available for candidates to run for: both seats are for a term of one year and eight months each.

Tuesday, March 1, 2022 — Last Day to request a Vote by Mail Ballot via mail.

Monday, March 7, 2022 at 3:00pm — Last day to apply for Vote by Mail Ballot in person or by an authorized messenger.

Tuesday, March 8, 2022 — Election Day.



Terms of Additional Members

§ 18A:9-11. Type II districts; terms of additional board members

The terms of the members so to be elected shall be so arranged by the members of the board holding over that as soon as possible the term of each member of the board shall be three years and the terms of three members shall expire in each year.

	Expiration of Original Term	Expiration of Revised Term	# Expiring
Priscilla Church	5/2022	1/2023	3
Seat held by Dr. Davis	5/2022	1/2023	
Latifah Jannah	5/2022	1/2023	
Allison Silverstein	5/2023	1/2024	1
Kathryn Weller-Demming	5/2024	1/2025	3
Crystal Hopkins	5/2024	1/2025	
Eric Scherzer	5/2024	1/2025	
Board Member #8		1/2024	
Board Member #9		1/2024	



Legal Requirements to be a Board Member

- Be able to read and write.
- Hold U.S. citizenship and one year's residency in the district.
- Be registered to vote in the district before filing the nominating petition.
- Have no interest in, any contract with, or claim against, the board.
- Not hold office as mayor or member of the municipal governing body or simultaneously hold two elective offices.
- Not be disqualified for the conviction of certain crimes. (Within 30 days of election or appointment a member must undergo a criminal history background investigation through the state Department of Education.)



Nominating Petitions

A nominating petition must be signed by at least 10 persons, one of whom may be the candidate himself. Each of the signers of the petition must be a qualified voter of the school district.

Effective May 30, 2018, board of education candidates may be bracketed with other school board candidates of their choice on the election ballot. Two or more candidates may file a joint petition that may include a designation of not more than three words that conveys the principles that the candidate or candidates therein named represent. N.J.S.A. 19:60-9.

The designation shall not contain the name, or any derivative or any part thereof, as a noun or an adjective of any political party entitled to participate in a primary election. N.J.S.A. 19:60-1(b).

Brackets are counted as one ballot for drawing purposes. N.J.S.A. 19:60-8.



Election in November 2022

Info from Essex County Clerk:

2nd School Board Election

Monday, July 25, 2022 at 4:00pm — deadline to file petitions for **November 8, 2022** election. There will be three seats available for candidates to run for: all three seats will be for a term of three years.

Tuesday, November 1, 2022 — last day to apply for a Vote by Mail Ballot via mail.

Monday, November 7, 2022 at 3:00pm — last day to apply for a Vote by Mail Ballot in person or by authorized messenger.

Tuesday, November 8, 2022 — Election Day.



School Board Election Resources

New Jersey Election Law Enforcement Commission



Compliance Manual for Candidates
Including a Summary of Requirements and Instructions
January 2021

https://www.elec.nj.gov/pdf/files/forms/compliance/man_cf.pdf

NJSBA Q&A –
122 questions

- Annual School Election – Date
- 1. When does the annual school election take place?
- 2. Can the Commissioner change the date of the annual school election?.....
- 3. Has the annual school election date ever been changed for any other reas
- 4. Why do changes often occur in the school budget/election calendar in the first term of a new Governor?
- 5. Will the annual school election date change in 2020?
- Special Elections.....
- 6. Can school elections occur on dates other than the annual school election
- 7. What are special school elections?.....
- 8. What kind of notice must be given for a special school election?
- Election Responsibilities.....
- 9. Who appoints election officials for school elections?
- 10. What are election workers paid?.....
- 11. What are the specific election responsibilities that the board secretary mu behalf of the board of education?
- 12. What is the role of the local board of education in the annual school elect
- 13. What is the role of the local municipal clerk in school elections?
- 14. What is the role of the County Clerk in school elections?

<https://www.njsba.org/wp-content/uploads/2016/02/election-faq.pdf>

Essex County Clerk
www.essexclerk.com



Type II Board Vacancy with November Election

N.J.S.A. 18A:12-15

- In most cases a vacancy is filled by a majority vote of the remaining members of the Board after the vacancy occurs.
- Board has 65 days to fill the vacancy otherwise it will be filled by county superintendent.

If Vacancy Occurs:	Term of Member Appointed to Fill Vacancy
Before 3 rd Monday in July	Organizational meeting following the next election. Remainder of term filled at that election.
After 3 rd Monday in July	Organizational meeting following the second annual election (if the term itself extends beyond the next election). Remainder of term filled at 2 nd annual election.



Procedures to Fill Vacancy

Procedures to fill a vacancy are established by Board policy. Policy issues to be considered include:

- **Advertisement of the vacancy**
- **Letter of interest and/or resume**
- **Interviews**
- **Deliberations**
- **Compliance with OPMA**



Type II Budget Timeline from State

	Date 2022	Action
Adoption & filing of budget	By 3/21	Submit itemized budget to Executive County Supt. (ECS)
ECS Approval of Budget	By 4/21	ECS must approve budget and budget statement for advertisement
Public Hearing for Budget	4/25 – 5/9	Budget and meeting date must be advertised in at least 1 newspaper
Website Posting of User-Friendly Budget	4/27 to 5/11	Within 48 hours of public hearing
Deadline to Adopt Budget	By 5/14	Can adopt at or after the public hearing but by 5/14.
Certification of Amount Fixed & Determined	5/19	Certify taxes assessed, levied, and collected
Election Date	11/8	

https://www.state.nj.us/education/finance/fp/2022_DOE_Election_Calendar.pdf



Sample State Timeline for Referenda

Office of School Facilities and Finance Election Advisory Timelines for District Referenda

Updated 1/29/2021

From DOE Receipt of Completed Project Application (90-Days Prior)**	District Review Preliminary Eligible Costs from DOE (30-Days Prior)	Notice County Board of Elections (60-Days Prior)*	Targeted Date of Election*	Election Day of the Week
7/30/2020	10/28/2020	11/27/2020	1/26/2021	Fourth Tuesday
9/10/2020	12/9/2020	1/8/2021	3/9/2021	Second Tuesday
10/22/2020	1/20/2021	2/19/2021	4/20/2021	Third Tuesday
4/1/2021	6/30/2021	7/30/2021	9/28/2021	Last Tuesday
5/6/2021	8/4/2021	9/3/2021	11/2/2021	First Tuesday*
6/20/2021	9/18/2021	10/18/2021	12/17/2021	Second Tuesday

*P.L. 2001, c. 98

**P.L. 2000, c. 72

Special school election dates: 4th Tues in Jan, 2nd Tues in March, Last Tues in Sept, General Election - April or Nov (must match district's general election date), or 2nd Tues in Dec.

Type II BOE shall give county clerk and county board of elections 60 days notice in writing of its intent to hold a special election.

https://www.nj.gov/education/facilities/laws/ElectionAdvisoryTimelines_2021_et.pdf