

**SENATE COMMITTEE SUBSTITUTE
FOR SENATE BILL NOS. 1297 and 1990**

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Committee Substitute for Senate Bill Nos. 1297 and 1990 with my recommendations for reconsideration.

This bill would allow candidates in school elections to circulate petitions jointly and be bracketed together on a ballot for the same term. In addition, one or more candidates may request that the ballot include a "designation" in not more than three words that represents the principles on which they wish to run, although the designation may not include any reference to a political party.

I conditionally vetoed two nearly identical bills, Senate Bill No. 387 (Second Reprint) (2014), and Assembly Bill No. 4386 (2015), due to concerns that joint petitions and bracketing would politicize school elections. Allowing school board candidates to jointly circulate petitions and be bracketed together on a ballot under a designation, which could include phrases that are commonly associated with a political party, could inject partisan politics into our nonpartisan school elections. As a result of these concerns, I previously recommended, and the Legislature concurred with my recommendation, that the bill be amended to require the Secretary of State, in consultation with the Commissioner of Education and the clerks of each county, to conduct a review of the bill's potential impact on school elections and to report their findings and recommendations before any such proposal is implemented.

The report from the Secretary of State confirmed my concerns that the bracketing of the candidates and the use of a three-word designation may politicize school elections. Under the Code of Ethics for school board members, school board members are not to surrender their independent judgment to special interest or partisan political groups. The provisions of this bill may create a justifiable perception that bracketed school board members are surrendering their independent judgment to special interest or partisan political groups, violating the public's trust and confidence in members of local boards of education.

However, to provide concrete data for further study, I recommend a limited pilot program be established that would allow candidates in one school election in each county of the State to circulate petitions jointly and be bracketed together under a designation, upon the request of the school district and approval of the Secretary of State and applicable county clerk. Three years following the bill's enactment, I recommend a second study be conducted to review the impact of bracketing school board members on the spatial limitations of the ballot, any additional costs to the county and local governments as a result, and whether bracketing has injected partisan politics into our school elections. This study will provide more concrete and accurate information to examine the impact of bracketing after several years of implementation, while ensuring the potential negative effects of bracketing school board members is limited to no more than 21 districts per year. Our election process should not be so drastically altered until the full effect of such changes is understood.

Accordingly, I herewith return Senate Committee Substitute for Senate Bill Nos. 1297 and 1990 and recommend that it be amended as follows:

Page 2, Title, Line 2:

Delete "and amending P.L.1995, c.278"

Page 2, Line 6:

Insert new sections: "1. The Secretary of State, in consultation with the clerk of each county, is authorized to permit a pilot bracketing program in one annual school election in each county of the State. Notwithstanding the provisions of any law or rule to the contrary, upon approval of the Secretary of State, two or more candidates to a school board may file a joint petition, which may include a designation in not more than three words that conveys the principles which the candidates therein named represent, but such designation shall not contain the name, or a derivative thereof or any part thereof, as a noun or an adjective, of any political party entitled to participate in a primary election. In addition, two or more candidates choosing to participate in the pilot bracketing program, upon approval of the Secretary of State, may notify the secretary of the board, or the county clerk if the annual school election is to be held in November, in writing at least seven days before the drawing date that they wish to have their names with their chosen designation, if any, bracketed together, so that their names and designation, if any, are selected as a group at the drawing and their names and designation are printed together on the ballot. The candidates shall determine among themselves the order in which their names are to appear within the bracket prior to so notifying the secretary.

2. The pilot bracketing program shall be authorized for a period not to exceed three years. The Secretary of State, in consultation with the Commissioner of

Education and the clerk of each county, shall conduct a study on the impact of allowing the bracketing of candidates together and designation of candidates' principles on school election petitions and ballots in one annual school election in each county. The study shall be completed and recommendations shall be submitted to the Governor within twelve months following certification of the results from the last annual school election held in the third year following the enactment of the act."

<u>Page 2, Section 1, Lines 7-44:</u>	Delete in their entirety
<u>Page 3, Section 1, Lines 1-4:</u>	Delete in their entirety
<u>Page 3, Section 2, Lines 6-48:</u>	Delete in their entirety
<u>Page 4, Section 2, Lines 1-21:</u>	Delete in their entirety
<u>Page 4, Section 3, Lines 23-48:</u>	Delete in their entirety
<u>Page 5, Section 3, Lines 1-19:</u>	Delete in their entirety
<u>Page 5, Section 4, Lines 21-48:</u>	Delete in their entirety
<u>Page 6, Section 4, Lines 1-32:</u>	Delete in their entirety
<u>Page 6, Section 5, Line 34:</u>	Delete "5." and insert "3."
<u>Page 6, Section 5, Line 34:</u>	Delete "immediately" and insert "60 days following enactment"

Respectfully,

[seal]

/s/ Chris Christie

Governor

Attest:

/s/ James J. DiGiulio

Chief Counsel to the Governor