

# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey  
07102

## Ordinance

6PSF-c 01/10/2024

File ID: 23-1558

Type: Ordinance

Status: Adopted

**AN ORDINANCE CREATING TITLE XXI, ELECTIONS, CHAPTER 1, SCHOOL BOARD ELECTIONS.**

**Sponsor(s):** Council President, LaMonica R. McIver

**WHEREAS**, in accordance with New Jersey Constitution, Art. IV, § VII, 11, the Home Rule Act, N.J.S.A. 40:42-4, and the Optional Municipal Charter Law which applies to the City of Newark, N.J.S.A. 40:69A-30, the New Jersey State Legislature has authorized municipalities to use local power to deal with local needs. Further, both the Home Rule Act, N.J.S.A. 40:48-2, and the Optional Municipal Charter Law, N.J.S.A. 40:69A-30, grant to local government broad general powers to meet such needs in addition to powers specifically enumerated; and

**WHEREAS**, the City of Newark (the "City") recognizes its authority to enact ordinances pertaining to School Board Elections; and

**WHEREAS**, the City recognizes that 16 and 17 year-olds are already entrusted with significant responsibilities, such as driving, paying taxes, and working, and demonstrating their ability to handle civic duties and responsibilities, such as making financial contributions to a political campaign, volunteering in campaigns, serving as poll workers, writing letters to officials and attending political rallies, and as such should be eligible to vote in School Board Elections given their direct relationship to 16 and 17 year-olds.

**NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:**

**Note:** Additions are shown in **Bold and Underlined**. Deletions are shown in **Strikeouts**.

**SECTION 1.** Title XXI, Elections, Section 1, School Board Elections, of the Revised General Ordinances of the City of Newark, New Jersey, 2000, is amended and supplemented, to establish eligibility for 16 and 17 year-old **citizens** the right to vote in Newark School Board Elections as follows:

**SECTION 2.** Title XXI, Elections, Chapter 1, School Board Elections.

**§ 21:1-1 - SCHOOL BOARD ELECTIONS.**

**§ 21:1-1.1 - DEFINITIONS.**

**CITIZENS:** legally recognized subjects or nationals of a state or commonwealth, either native or naturalized, inhabitants of the City of Newark.

**MAIL-IN VOTING:** the process by which eligible voters cast their ballots in an election by mail, rather than in person at a polling location.

**REFERENDUMS:** a type of public vote that allows voters to express their opinion on a specific issue or question of public interest that has been referred to them for a direct decision.

**EARLY VOTING:** the process by which eligible voters cast their ballots in an election during a designated time period before election day.

**PROVISIONAL VOTING:** is cast by a voter whose eligibility to vote cannot be confirmed at the polls on Election Day or if they have applied for a vote-by-mail ballot. If, after the election, it is determined that the voter who cast the provisional ballot was eligible to vote, the ballot will be counted.

**RECALL ELECTIONS:** a legal process in which eligible voters can remove an elected official from their position before their term expires. Recall elections are initiated by eligible voters who believe that the official's performance, conduct, or actions are unsatisfactory or have violated public trust.

**SCHOOL BOARD ELECTION:** the process by which eligible voters in a school district elect individuals to serve as members of the school board.

**SPECIAL ELECTIONS:** an election to fill a specific vacancy or to address a particular issue or question that requires immediate attention or resolution. A special election is typically held at a date and time that is different from regularly scheduled election dates.

**§ 21:1-2 - SCHOOL BOARD VOTING ELIGIBILITY.**

1. **Every person who meets the following criteria is a qualified voter:**
  - a. **Is a citizen of the City;**
  - b. **Is at least sixteen (16) years of age or will be sixteen (16) years of age on or before the date of the next School Board election;**
  - c. **Has resided within the corporate limits of the City for a minimum period of thirty (30) days immediately preceding any non-runoff election; and**

- d. Is registered to vote in accordance with the provisions of this title.
2. Every qualified voter of the City is entitled to vote in all School Board elections and to participate in nominations, referendums, recalls, and other petitions authorized by this Title and the Charter of the City.

**§ 21:1-3 - VOTER REGISTRATION.**

1. All citizens of the City who meet the voter qualifications set forth in § 21:1-2(1) shall be eligible to register to vote in School Board Elections.
2. Any person residing in the City who is registered with the Essex County Board of Elections for School Board Elections shall be deemed to be registered to vote in the respective School Board Elections.

**§ 21:1-4 - ELECTIONS CONDUCT.**

1. The City Clerk of Newark (the "City Clerk") or the Secretary of the Board of Education (the "Secretary of the BOE") shall conduct School Board Elections in accordance with the provisions of Title 19 of the New Jersey Statutes, Court Rules and the Charter of the City.

**§ 21:1-5 - EARLY VOTING.**

1. The City Clerk or the Secretary of the BOE may conduct early voting for School Board Elections in accordance with the provisions of Title 19 of the New Jersey Statutes, Court Rules and the Charter of the City.
2. Notification and Education. Provided that the City Clerk adopts early voting, the City Clerk or the Secretary of the BOE shall:
  - a. Notify the public of the availability of any early voting period and provide information on the locations, days, hours, and mechanisms for early voting; and
  - b. Conduct voter education campaigns to inform eligible voters about the early voting process and encourage participation.

**§ 21:1-6 - PROVISIONAL VOTING.**

1. The City Clerk or the Secretary of the BOE shall provide provisional voting for School Board Elections in accordance with the provisions of Title 19 of the New Jersey Statutes, Court Rules and the Charter of the City.

2. A person may cast a provisional ballot in School Board Elections if a person who believes they are qualified to vote but whose name does not appear on the lists of qualified voters of the City or if the person's eligibility to register to vote and/or to vote is challenged.

§ 21:1-7 - MAIL-IN VOTING.

1. The City Clerk or the Secretary of the BOE shall arrange for voting by mail-in ballot in accordance with Subtitle 17 of the Elections Statute, Title 19 of the New Jersey Statutes, Court Rules, and shall notify the voters of this intention for each election.
2. Any qualified voter may vote by mail-in ballot in School Board Elections.

§ 21:1-8 - ELECTION OF SCHOOL BOARD MEMBERS.

1. The City Clerk or the Secretary of the BOE shall have the power to change the School Board Election date, tie-breaking procedure, nomination of candidates, and write-in candidates in every respect not covered by the provisions of Title 19 of the New Jersey Statutes, Court Rules and the Charter of the City.

§ 21:1-9 - VOTE COUNT AND DECLARATION OF RESULTS.

1. The City Clerk or the Secretary of the BOE shall meet within two weeks after the election, including any runoff election, to provide the certification of results. The persons having the number of votes required by this title for each School Board elective office shall be declared elected.

§ 21:1-10 - RECALL ELECTIONS; SPECIAL ELECTIONS; ADVISORY REFERENDUMS.

1. The City Clerk or Secretary of the BOE shall have the power to conduct School Board recall elections, special elections, and advisory referendums in every respect not covered by the provisions of Title 19 of the New Jersey Statutes and Court Rules and the Charter of the City.

§ 21:1-11 - SCHOOL BOARD ELECTION APPEALS.

1. Right to Appeal
  - a. If any person feels aggrieved by any action by the City Clerk or Secretary of the BOE violating this Title, provisions of Title 19 of the New Jersey Statutes and Court Rules and the Charter, such person may appeal to the Superior Court of Essex County.

**SECTION 3.** All City ordinances or portions of ordinances inconsistent herewith are hereby repealed to the extent of their inconsistency only.

**SECTION 4.** Severability. If any provision of this amendment shall be deemed unenforceable by a Court of competent jurisdiction, the remainder of the amendment shall remain in full force and effect.

**SECTION 5.** This Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

**SECTION 6. Codification.** This Ordinance shall be a part of the Code of the City of Newark as though codified and fully set forth therein. The City Clerk shall have this Ordinance codified and incorporated in the official copies of the Code. The City Clerk and the Corporation Counsel are authorized and directed to change any Chapter, Article and/or Section number of the Code of the City of Newark in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

**STATEMENT**

This Ordinance establishes Title XXI, Elections, Chapter 1, School Board Elections, which proposes to reduce the voting age, in School Board Elections, from eighteen (18) years of age or older to sixteen (16) years of age or older.

**Approval History**

Version	Seq #	Action Date	Approver	Action	Due Date
1	1	9/28/2023	Jerusha J. Schulze	Approved as Modified	10/2/2023
1	2	9/28/2023	Kecia Daniels	Approved	9/29/2023

**History of Legislative File**

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Municipal Council	12/20/2023	Advance and Adopt on First Reading as 6F-				Pass
<p><b>Action Text:</b> A motion was made by LaMonica McIver, seconded by Patrick Council to Advance and Adopt on First Reading as 6F-c. The motion was adopted by the following votes:</p>							
Mover:	LaMonica R. McIver	Yes: 8 - Patrick Council, C. Lawrence Crump, Carlos Gonzalez, Dupre' Kelly, Luis Quintana, Louise Scott-Rountree, Michael Silva and LaMonica McIver Absent: 1 - Anibal Ramos Jr.					8-1


1 Municipal Council 01/10/2024 Close on Public Hearing and Adopt Pass

**Action Text:** Public Hearing opened. Comments were made by Lisa Parker, Deborah Smith Gregory, Denise Cole, Nathaniel Esubonteng, Breanna Campbell, Timothy Adkins-Jones, Amanda Ebokosia, Charity Haygood, Micauri Vargas, Munirah El-Bomani, Raisa Rubin-Stankiewicz, Melissa, Yenyay Hu, Maggie Freeman, Tanisha Gamer, Kevin Bernard, Alejandra Sorto, Johnathon Alston, Bilal Walker, Yael Bromberg, Rashawn Davis, Crystal King, Sam Oman, Niko Su, Wilfred Chirinos, Hussaf Ali, Mikisha Sif, Felicia Alston-Singleton, Lawrence Hamm and Henal Patel.

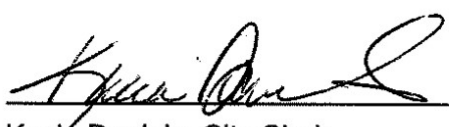
A motion was made by McIver, seconded by Council to Close on Public Hearing and Adopt. The motion was adopted by the following votes:

Mover: LaMonica R. McIver Yes: 9 - Patrick Council, C. Lawrence Crump, Carlos Gonzalez, Dupre' Kelly, Luis Quintana, Anibal Ramos Jr., Louise Scott-Rountree, Michael Silva and LaMonica McIver 9

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Approved or Rejected By   
Ras J. Baraka, Mayor

Date 1-24-24

Certified By   
Keaja Daniels, City Clerk

CERTIFIED TO BY ME THIS  
Date JAN 25 2024