

Bond Case Briefs

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ELECTIONS - NEW JERSEY

In re December 09, 2014 Special School Election

Superior Court of New Jersey, Appellate Division - March 4, 2015 - A.3d - 2015 WL 893080

County filed declaratory judgment action, requesting determination as to whether municipality or limited purpose regional school district was responsible to bear cost of special school election. The Superior Court concluded that district should bear cost and directed it to make payment to county. District appealed.

The appeals court held, as an issue of first impression, that district, rather than municipality, was required to bear cost of special school election.

Limited purpose regional school district, rather than municipality that initiated request to withdraw from district, was required to bear cost of special school election to determine municipality's proposed withdrawal. Although statute governing withdrawal from limited purpose regional school districts was silent as to who should bear cost, that statute, when read together with statutes governing costs of school elections and definitions of "school election" and "special election," obligated district to bear cost, and legislative history supported that conclusion.