

ASSEMBLY, No. 1136

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblywoman MURPHY and Assemblyman ZECKER

1 AN ACT concerning vacancies in the membership of school boards
2 and amending N.J.S.18A:12-15.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. N.J.S.18A:12-15 is amended to read as follows:

8 18A:12-15. Vacancies in the membership of the board shall be
9 filled as follows:

10 a. By the county superintendent, if the vacancy is caused by the
11 absence of candidates for election to the school board or by the
12 removal of a member because of lack of qualifications, or is not filled
13 within 65 days following its occurrence;

14 b. By the county superintendent, to a number sufficient to make up
15 a quorum of the board if, by reason of vacancies, a quorum is lacking;

16 c. By special election, if in the annual school election two or more
17 candidates qualified by law for membership on the school board
18 receive an equal number of votes. Such special election shall be held
19 only upon recount and certification by the commissioner of such
20 election result, shall be restricted to such candidates, shall be held
21 within 60 days of the annual school election, and shall be conducted
22 in accordance with procedures for annual and special school elections
23 set forth in chapter 14 of Title 18A of the New Jersey Statutes. The
24 vacancy shall be filled by the county superintendent if in such special
25 election two or more candidates qualified by law for membership on
26 the school board receive an equal number of votes;

27 d. By special election if there is a failure to elect a member at the
28 annual school election due to improper election procedures. Such
29 special election shall be restricted to those persons who were
30 candidates at such annual school election, shall be held within 60 days
31 of such annual school election, and shall be conducted in accordance
32 with the procedures for annual and special school elections set forth

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 in chapter 14 of Title 18A of the New Jersey Statutes;

2 e. By the commissioner if there is a failure to elect a member at the
3 annual school election due to improper campaign practices; or

4 f. By a majority vote of the remaining members of the board in all
5 other cases.

6 Each member so appointed shall serve until the organizational
7 meeting following the next annual election unless he is appointed to fill
8 a vacancy occurring within the 60 days immediately preceding such
9 election to fill a term extending beyond such election, in which case he
10 shall serve until the organizational meeting following the second
11 annual election next succeeding the occurrence of the vacancy, and
12 any vacancy for the remainder of the term shall be filled at the annual
13 election or the second annual election next succeeding the occurrence
14 of the vacancy as the case may be.

15 (cf: P.L.1978, c.136, s.28)

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17 2. This act shall take effect immediately.

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STATEMENT

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22 This bill specifies that when a member of a school board in a Type
23 II district resigns, the vacancy will be filled by a majority vote of the
24 remaining members of the board. Under an interpretation of the
25 present statute, it is possible for the member who resigns to vote on
26 the appointment of a successor.

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31 Clarifies procedure to replace member who resigns from school board
32 in a Type II district.