

[First Reprint]
ASSEMBLY, No. 1136

STATE OF NEW JERSEY

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.

3

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 ¹[commissioner] county
20 board of elections¹ of such election result, shall be restricted to such
21 candidates, shall be held within 60 days of the annual school election,
22 and shall be conducted in accordance with procedures for annual and
23 special school elections set forth in ¹[chapter 14 of Title 18A of the
24 New Jersey Statutes] Title 19 of the Revised Statutes¹. The vacancy
25 shall be filled by the county superintendent if in such special election
26 two or more candidates qualified by law for membership on the school
27 board receive an equal number of votes;

28 d. By special election if there is a failure to elect a member at the
29 annual school election due to improper election procedures. Such
30 special election shall be restricted to those persons who were
31 candidates at such annual school election, shall be held within 60 days

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AED committee amendments adopted March 4, 1996.

1 of such annual school election, and shall be conducted in accordance
2 with the procedures for annual and special school elections set forth
3 in ¹[chapter 14 of Title 18A of the New Jersey Statutes] Title 19 of
4 the Revised Statutes¹;

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

7 f. By a majority vote of the remaining members of the board
8 ¹after the vacancy occurs¹ in all other cases.

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

18 (cf: P.L.1995, c.278, s.29)

19
20 2. This act shall take effect immediately.

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