

ASSEMBLY, No. 2065

STATE OF NEW JERSEY

INTRODUCED JUNE 3, 1996

By Assemblyman ARNONE

1 AN ACT concerning regional school district boards of education and  
2 amending N.J.S.18A:12-15 and 18A:13-11.

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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  
15 up a quorum of the board if, by reason of vacancies, a quorum is  
16 lacking;

17 c. By special election, if in the annual school election two or more  
18 candidates qualified by law for membership on the school board  
19 receive an equal number of votes. Such special election shall be held  
20 only upon recount and certification by the county board of elections  
21 of such election result, shall be restricted to such candidates, shall be  
22 held within 60 days of the annual school election, and shall be  
23 conducted in accordance with procedures for annual and special school  
24 elections set forth in Title 19 of the Revised Statutes. 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  
32 of such annual school election, and shall be conducted in accordance  
33 with the procedures for annual and special school elections set forth  
34 in Title 19 of the Revised Statutes;

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

3 f. By the board in all other cases; except that in a regional school  
4 district the governing body of the constituent municipality represented  
5 by the former board member shall fill the vacancy in all 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. 1995,c.278,s.29)

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17 2. N.J.S. 18A:13-11 is amended to read as follows:

18 18A:13-11. Vacancies in the membership of the board shall be  
19 filled from the constituent districts represented by the former  
20 incumbents in the same manner as vacancies in the membership of  
21 boards of education of type II districts having elected boards of  
22 education are filled pursuant to N.J.S. 18A:12-15.

23 (cf: N.J.S. 18A:13-11)

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25 3. This act shall take effect immediately.

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#### STATEMENT

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30 Currently, under certain circumstances, the board of education of  
31 a regional school district is authorized to fill a vacancy which may  
32 occur in the board. This bill provides that it would be the governing  
33 body of the municipality represented by the former board member  
34 which would fill such vacancy.

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40 Authorizes municipality to fill school board vacancy in a regional  
school district in certain cases.