

[Second Reprint]  
ASSEMBLY, No. 2065

STATE OF NEW JERSEY

INTRODUCED JUNE 3, 1996

By Assemblyman ARNONE

1 AN ACT concerning <sup>2</sup>[regional school district boards of education]  
2 vacancies in the membership of school boards<sup>2</sup> and amending  
3 N.J.S.18A:12-15 and 18A:13-11.  
4

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

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

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

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

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

**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:**

<sup>1</sup> Assembly AED committee amendments adopted October 7, 1996.

<sup>2</sup> Assembly floor amendments adopted December 12, 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 Title 19 of the Revised Statutes;

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

6 f. By <sup>2</sup>a majority vote of the remaining members of <sup>2</sup> the board  
7 after the vacancy occurs<sup>2</sup> in all other cases; except that in a regional  
8 school district the governing body of the constituent municipality <sup>1</sup>or  
9 the governing bodies of the constituent municipalities included within  
10 a representative district<sup>1</sup> represented by the former board member  
11 shall fill the vacancy in all other cases.

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

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

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

24 18A:13-11. Vacancies in the membership of the board shall be  
25 filled from the constituent districts represented by the former  
26 incumbents in the same manner as vacancies in the membership of  
27 boards of education of type II districts having elected boards of  
28 education are filled pursuant to N.J.S.18A:12-15.

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

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31 3. This act shall take effect immediately.

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37 Authorizes municipality to fill school board vacancy in a regional  
38 school district in certain cases and clarifies procedure to replace  
resigning school board member in aType II district.