ASSEMBLY, No. 333

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
Assemblyman RYAN E. PETERS
District 8 (Atlantic, Burlington and Camden)

SYNOPSIS

Provides that in certain cases vacancy in membership of board of education of limited purpose regional school district will be filled by majority vote of board of education of constituent district represented by former board member.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ACT concerning boards of education of limited purpose regional school districts and amending N.J.S.18A:12-15 and N.J.S.18A:13-11.

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

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

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

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

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

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

d. By special election if there is a failure to elect a member at the annual school election due to improper election procedures. Such special election shall be restricted to those persons who were candidates at such annual school election, shall be held within 60 days of such annual school election, and shall be conducted in accordance with the procedures for annual and special school elections set forth in Title 19 of the Revised Statutes;

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

f. **[**By**]** <u>In all other cases, by</u> a majority vote of the remaining members of the board after the vacancy occurs **[**in all other cases**]**; <u>except that in all other cases, a vacancy in the membership of the board of a limited purpose regional school district shall be filled by a majority vote of the members of the board of education of the constituent district represented by the former board member</u>.

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

Matter underlined <u>thus</u> is new matter.

Each member so appointed shall serve until the organizational meeting following the next annual election unless the member is appointed to fill a vacancy occurring within the 60 days immediately preceding such election if the annual election is held in April, or occurring after the third Monday in July if the election is held in November, to fill a term extending beyond such election, in which case the member shall serve until the organizational meeting following the second annual election next succeeding the occurrence of the vacancy, and any vacancy for the remainder of the term shall be filled at the annual election or the second annual election next succeeding the occurrence of the vacancy, as the case may be.
(cf: P.L.2013, c.172, s.2)

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

18A:13-11. Vacancies in the membership of the board shall be filled from the constituent districts represented by the former incumbents **[**in the same manner as vacancies in the membership of boards of education of type II districts having elected boards of education are filled**]** in the manner established pursuant to N.J.S.18A:12-15.
(cf: N.J.S.18A:13-11)

3. This act shall take effect immediately.

STATEMENT

Under current law at N.J.S.18A:12-15, in many cases a vacancy in the membership of a board of education is filled by a majority vote of the remaining members of the board after the vacancy occurs. This bill provides that in those cases, if the vacancy to be filled is a vacancy on the board of a limited purpose regional school district, the vacancy will be filled by a majority vote of the members of the board of education of the constituent district represented by the former board member.