

SENATE, No. 2165

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

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

As introduced.



1 AN ACT concerning boards of education of limited purpose regional
2 school districts and amending N.J.S.18A:12-15 and
3 N.J.S.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
14 filled within 65 days following its occurrence;

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

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

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

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

39 f. **【By】** In all other cases, by a majority vote of the remaining
40 members of the board after the vacancy occurs **【in all other cases】**;
41 except that in all other cases, a vacancy in the membership of the
42 board of a limited purpose regional school district shall be filled by
43 a majority vote of the members of the board of education of the
44 constituent district represented by the former board member.

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 thus is new matter.

1 Each member so appointed shall serve until the organizational
2 meeting following the next annual election unless the member is
3 appointed to fill a vacancy occurring within the 60 days
4 immediately preceding such election if the annual election is held in
5 April, or occurring after the third Monday in July if the election is
6 held in November, to fill a term extending beyond such election, in
7 which case the member shall serve until the organizational meeting
8 following the second annual election next succeeding the
9 occurrence of the vacancy, and any vacancy for the remainder of the
10 term shall be filled at the annual election or the second annual
11 election next succeeding the occurrence of the vacancy, as the case
12 may be.

13 (cf: P.L.2013, c.172, s.2)

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

16 18A:13-11. Vacancies in the membership of the board shall be
17 filled from the constituent districts represented by the former
18 incumbents [in the same manner as vacancies in the membership of
19 boards of education of type II districts having elected boards of
20 education are filled] in the manner established pursuant to
21 N.J.S.18A:12-15.

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

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24 3. This act shall take effect immediately.

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STATEMENT

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