

# SENATE, No. 2158

## STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED MARCH 7, 2022

**Sponsored by:**

**Senator JEAN STANFIELD**

**District 8 (Atlantic, Burlington and Camden)**

**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.

45 Each member so appointed shall serve until the organizational

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

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

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

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

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

22

23 3. This act shall take effect immediately.

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#### STATEMENT

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