

[First Reprint]

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

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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 reported by the Senate Education Committee on December 14, 2023, with amendments.



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 filled
14 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 board
20 receive an equal number of votes. ¹**[Such]** ¹**The** special election shall
21 be held only upon recount and certification by the county board of
22 elections of ¹**[such]** ¹**the** election result, shall be restricted to ¹**[such]**
23 ¹**the** 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 Revised
26 Statutes. The vacancy shall be filled by the county superintendent if in
27 ¹**[such]** ¹**the** special election two or more candidates qualified by law
28 for membership on the school board receive an equal number of votes;

29 d. By special election if there is a failure to elect a member at the
30 annual school election due to improper election procedures. ¹**[Such]**
31 ¹**The** special election shall be restricted to those persons who were
32 candidates at ¹**[such]** ¹**the** annual school election, shall be held within
33 60 days of ¹**[such]** ¹**the** annual school election, and shall be conducted
34 in accordance with the procedures for annual and special school
35 elections set forth in Title 19 of the Revised Statutes;

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

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

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SED committee amendments adopted December 14, 2023.

1 Each member ¹~~so~~¹ 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 immediately
4 preceding ¹~~such~~ the¹ election if the annual election is held in April,
5 or occurring after the third Monday in July if the election is held in
6 November, to fill a term extending beyond ¹~~such~~ the¹ election, in
7 which case the member shall serve until the organizational meeting
8 following the second annual election next succeeding the occurrence
9 of the vacancy, and any vacancy for the remainder of the term shall be
10 filled at the annual election or the second annual election next
11 succeeding the occurrence of the vacancy, as the case 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.