

18A:12-15

LEGISLATIVE HISTORY CHECKLIST

NJSA 18A:12-15 (Provides for runoff elections in case of tie vote in school board elections)  
 LAWS OF 1977 CHAPTER 324  
 Bill No. A1349  
 Sponsor(s) Bassano  
 Date Introduced Feb. 3, 1976  
 Committee: Assembly Education  
 Senate Education  
 Amended during passage Yes ~~xx~~ Amendments during passage denoted by asterisks  
 Date of Passage: Assembly Dec. 6, 1976  
 Senate Dec. 1, 1977  
 Date of approval Jan. 10, 1978

Following statements are attached if available:

Sponsor statement	Yes	<del>xx</del>	Below
Committee Statement: Assembly	Yes	<del>xx</del>	
Senate	<del>Yes</del>	No	
Fiscal Note	<del>Yes</del>	No	
Veto Message	<del>Yes</del>	No	
Message on signing	<del>Yes</del>	No	
Following were printed:			
Reports	<del>Yes</del>	No	
Hearings	<del>Yes</del>	No	

Sponsor's statement:

The purpose of this bill is to remove from the county superintendent of schools the power to fill vacancies on elected boards of education when such vacancies are caused by tie votes, and to provide for a special runoff election in such situations.

EJ 9/1/78

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ASSEMBLY, No. 1349

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 3, 1976

By Assemblyman BASSANO

Referred to Committee on Education

AN ACT concerning elected boards of education and amending  
N. J. S. 18A:12-15.

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

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

2 18A:12-15. Vacancies in the membership of the board shall be  
3 filled as follows:

4 a. By the county superintendent, if the vacancy is caused [by  
5 the failure to elect a member, or] *\*by the absence of candidates*  
6 *for election to the school board or\** by the removal of a member  
7 because of lack of qualifications, *\*[or results from a recount or con-*  
8 *tested election in which no tie vote has occurred,]\** or is not filled  
9 within 65 days following its occurrence; *\*[however, if the vacancy*  
10 *is caused by the failure to elect a member or results from a recount*  
11 *or contested election in which a tie vote has occurred, then a special*  
12 *runoff election shall be held within 60 days following the occur-*  
13 *rence of the vacancy,]\**

14 b. By the county superintendent, to a number sufficient to make  
15 up a quorum of the board if, by reason of vacancies, a quorum is  
16 lacking\*[, or]\* \*,\*

17 *\*c. By special election, if in the annual school election two or*  
18 *more candidates qualified by law for membership on the school*  
19 *board receive an equal number of votes. Such special election shall*  
20 *be held only upon recount and certification by the commissioner of*  
21 *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*  
24 *school elections set forth in chapter 14 of Title 18A of the New*  
25 *Jersey Statutes. The vacancy shall be filled by the county super-*  
26 *intendent if in such special election two or more candidates quali-*

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

27 *fied by law for membership on the school board receive an equal*  
28 *number of votes;*

29 *d. By special election if there is a failure to elect a member at*  
30 *the annual school election due to improper election procedures.*  
31 *Such special election shall be restricted to those persons who were*  
32 *candidates at such annual school election, shall be held within 60*  
33 *days of such annual school election, and shall be conducted in*  
34 *accordance with the procedures for annual and special school*  
35 *elections set forth in chapter 14 of Title 18A of the New Jersey*  
36 *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 *\*[c.]\* \*f.\* By the board in all other cases.*

40 Each member so appointed shall serve until the Monday follow-  
41 ing the next annual election unless he is appointed to fill a vacancy  
42 occurring within the 60 days immediately preceding such election  
43 to fill a term extending beyond such election, in which case he shall  
44 serve until the Monday following the second annual election next  
45 succeeding the occurrence of the vacancy, and any vacancy for the  
46 remainder of the term shall be filled at the annual election or the  
47 second annual election next succeeding the occurrence of the  
48 vacancy as the case may be.

1 2. This act shall take effect immediately.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1349

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STATE OF NEW JERSEY

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DATED: JULY 22, 1976

PROVISIONS

Assembly Bill No. 1349, as amended, outlines the procedures for filling vacancies on school boards. Special elections will be held if the vacancy resulted from a tie in the annual election or from a failure to elect due to improper election procedures. The commissioner will appoint a member if the vacancy resulted from improper election procedures, and the county superintendent will retain his power to appoint if the vacancy resulted from the removal of a member for lack of qualifications or from the absence of candidates for election to the school board.

BACKGROUND

The county superintendent now appoints a member to the school board if there is a tie vote in a school election or if improper election procedures make it impossible to determine who won. The committee believes that a special election is more appropriate in such circumstances, and that appointment by the commission is warranted in the event that improper campaign practices thwart the will of the electorate. Finally, the committee believes that the language specifying the powers of the county superintendent should be clarified. Assembly Bill No. 1349, as amended, reflects all these changes.

FISCAL IMPLICATIONS

Tie votes infrequently occur in school elections, and improper election procedures rarely make it impossible to determine the result of an election, but Assembly Bill No. 1349 mandates a special election whenever such situations develop. The district would therefore incur the costs of a special election in these cases.