

18A:13-9

LEGISLATIVE HISTORY CHECKLIST

MSA 18A:13-9 (Procedures for staggered elections for regional school boards)

LAWS OF 1977 CHAPTER 327

Bill No. A1936

Sponsor(s) Muhler and others

Date Introduced May 20, 1976

Committee: Assembly Education

Senate Education

Amended during passage Yes * Amendments during passage denoted by asterisks
Date of Passage: Assembly March 21, 1977
Senate Dec. 1, 1977
Date of approval Jan. 10, 1978

Following statements are attached if available:

Sponsor statement Yes *
Committee Statement: Assembly Yes *
Senate * No
Fiscal Note * No
Veto Message * No
Message on signing * No

Following were printed:

Reports * No
Hearings * No

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327 LAWS 1977
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ASSEMBLY, No. 1936

STATE OF NEW JERSEY

INTRODUCED MAY 20, 1976

By Assemblywoman MUHLER, Assemblymen VILLANE, KENNEDY,
DiFRANCESCO, SAXTON, KAVANAUGH and FORAN

Referred to Committee on Education

AN ACT concerning elections to regional boards of education and
amending N. J. S. 18A:13-9.

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

1 1. N. J. S. 18A:13-9 is amended to read as follows:

2 18A:13-9. Each apportionment shall continue in effect unless
3 and until a reapportionment shall become necessary by reason of
4 the official promulgation of the next Federal census or the enlarge-
5 ment of the regional district by the admission of one or more local
6 districts. In any such case, immediately after the official promulga-
7 tion of said census or the certification of a favorable result of the
8 election for enlargement of the regional district the county super-
9 intendent or county superintendents of the county or counties in
10 which the constituent districts are situate shall reapportion the
11 members accordingly but all members shall continue in office for the
12 terms for which they were elected or appointed notwithstanding
13 any reapportionment. If any constituent district shall become
14 entitled to increased representation on the board the additional
15 members shall be elected at the next annual school election of the
16 regional district. *If, as a result of such reapportionment, a dis-*
17 *proportionate number of the total representatives of any one con-*
18 *stituent district to a regional board are to be elected at a single*
19 *annual school election, the commissioner shall have the power, on*
20 *petition of ***[any interested party]*** *a constituent district board*
21 *of education*, to alter the term of any member representing such*
22 *constituent district by not more than 1 year, so as to temporally*
23 *apportion, as equally as possible over any given 3-year period, the*
24 *election of the members representing such constituent district.*

1 2. This act shall take effect immediately.

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

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17 *proportionate number of the total representatives of any one con-*
18 *stituent district to a regional board are to be elected at a single*
19 *annual school election, the commissioner shall have the power, on*
20 *petition of any interested party, to alter the term of any member*
21 *representing such constituent district by not more than 1 year,*
22 *so as to temporally apportion, as equally as possible over any*
23 *given 3-year period, the election of the members representing such*
24 *constituent district.*

1 2. This act shall take effect immediately.

STATEMENT

The purpose of this bill is to establish a procedure for maintaining the existing system of staggered elections and terms for regional school board members. Most regional boards consist of nine members, including at least one from each constituent district. The remaining seats are allocated to constituent districts on the basis of population. N. J. S. 18A:13-8. At the initial election, three members are elected to 3-year terms, three members to 2-year terms and three members to 1-year terms. Similarly, within those constituent districts which have more than one representative on a regional board, the terms of such members are staggered to the extent possible. N. J. S. 18A:13-38. As the respective initial terms expire, new elections are held for full 3-year terms, thus perpetuating a system whereby one-third of the board members are elected each year. This rational and time-honored approach maximizes voter participation and board continuity.

Existing law also provides for a reapportionment of the representation of constituent districts based upon population shifts and varying growth rates. However, because of the requirement that a reapportionment of representation among different constituent districts must be effected in the next annual school election following the official promulgation of the Federal census, the original pattern of staggered elections within a constituent district is frequently upset. A simple example follows: Constituent district A, on the basis of 1960 population figures, was afforded 5 seats on a regional board, with the remaining 4 seats allocated to district B. On the basis of the 1970 census however, district B was allocated 5 seats and district A only 4, effective beginning with the 1971 election. The following table illustrates the allocation of vacant seats for the years 1968 through 1970.

	District A	District B
1968	1	2
1969	2	1
1970	2	1

District A is scheduled to elect one member and district B two members at the 1971 election in accordance with the 3-year rotation system. However, because of the reapportionment of representation to district B, district A must give up its seat and district B gains a seat at the 1971 elections. Thereafter, district A is scheduled to elect two board members in each of two years, but none in the third year. District B now has five representatives, but three of those are elected at one time, as per the table below:

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1936

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 23, 1976

PURPOSE:

This bill establishes a procedure for maintaining a system of staggered elections and terms of office for regional school board members by allowing the commissioner, upon petition by a constituent district board of education, to make a 1-year adjustment in the terms of office of any member of a regional school board who represents a constituent district which, due to reapportionment or enlargement of the regional district, has a disproportionate number of its representatives up for election at the same time.

BACKGROUND:

a. *Terms of Office.* Most regional boards consist of nine members, including at least one from each constituent district. The remaining seats are allocated to constituent districts on the basis of population (N. J. S. 18A:13-8). At the initial election in a newly formed regional district, three members are elected to 3-year terms, three members to 2-year terms and three members to 1-year terms. Similarly, within those constituent districts which have more than one representative on a regional board, the terms of such members are staggered to the extent possible (N. J. S. 18A:13-38). As the respective initial terms expire, new elections are held for full 3-year terms, thus perpetuating a system whereby one-third of the board members are elected each year. This staggering of terms maximizes board continuity.

b. *Effects of Reapportionment.* Existing law also provides for a reapportionment of the representation of constituent districts based upon population shifts. However, because of the requirement that a reapportionment of representation among different constituent districts must be effected in the next annual school election following the official promulgation of the Federal census, the original pattern of staggered elections within a constituent district is frequently upset. The sponsors' statement on pages 2 and 3 of the bill gives an example of the effects of reapportionment.

FISCAL IMPLICATIONS:

There are no costs associated with this bill.

COMMITTEE AMENDMENTS:

The committee has amended this bill to make explicit what party or parties may petition the commissioner to alter the term of office of a board member by deleting the phrase "any interested party" and specifying "a constituent district board of education".

	District A	District B
1971	0	3
1972	2	1
1973	2	1

This bill would enable either district to distribute its seats more equally over a 3-year period—i.e. one, one, two in the case of district A and two, two, one in the case of district B.