

18A:12-15

LEGISLATIVE HISTORY CHECKLIST  
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(School boards--memberships)

NJSA: 18A:12-15

LAWS OF: 1996 CHAPTER: 153

BILL NO: A1136

SPONSOR(S): Murphy and Zecker

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: Education

SENATE: Education

AMENDED DURING PASSAGE: Yes Amendments during passage denoted  
First reprint enacted by superscript number.

DATE OF PASSAGE: ASSEMBLY: March 18, 1996

SENATE: November 25, 1996

DATE OF APPROVAL: December 27, 1996

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:  
REPORTS: No

HEARINGS: No

KBP:pp

P.L. 1996, CHAPTER 153, *approved December 27, 1996*  
Assembly, No. 1136 (*First Reprint*)

1 **AN ACT** concerning vacancies in the membership of school boards  
2 and amending N.J.S.18A:12-15.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

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

8 18A:12-15. Vacancies in the membership of the board shall be  
9 filled as follows:

10 a. By the county superintendent, if the vacancy is caused by the  
11 absence of candidates for election to the school board or by the  
12 removal of a member because of lack of qualifications, or is not filled  
13 within 65 days following its occurrence;

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

16 c. By special election, if in the annual school election two or more  
17 candidates qualified by law for membership on the school board  
18 receive an equal number of votes. Such special election shall be held  
19 only upon recount and certification by the <sup>1</sup>**[commissioner]** county  
20 board of elections<sup>1</sup> of such election result, shall be restricted to such  
21 candidates, shall be held within 60 days of the annual school election,  
22 and shall be conducted in accordance with procedures for annual and  
23 special school elections set forth in <sup>1</sup>**[chapter 14 of Title 18A of the**  
24 **New Jersey Statutes]** Title 19 of the Revised Statutes<sup>1</sup>. The vacancy  
25 shall be filled by the county superintendent if in such special election  
26 two or more candidates qualified by law for membership on the school  
27 board receive an equal number of votes;

28 d. By special election if there is a failure to elect a member at the  
29 annual school election due to improper election procedures. Such  
30 special election shall be restricted to those persons who were  
31 candidates at such annual school election, shall be held within 60 days

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

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> **Assembly AED committee amendments adopted March 4, 1996.**

1 of such annual school election, and shall be conducted in accordance  
2 with the procedures for annual and special school elections set forth  
3 in <sup>1</sup>~~chapter 14 of Title 18A of the New Jersey Statutes~~ Title 19 of  
4 the Revised Statutes<sup>1</sup>;

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

7 f. By a majority vote of the remaining members of the board  
8 after the vacancy occurs<sup>1</sup> in all other cases.

9 Each member so appointed shall serve until the organizational  
10 meeting following the next annual election unless he is appointed to fill  
11 a vacancy occurring within the 60 days immediately preceding such  
12 election to fill a term extending beyond such election, in which case he  
13 shall serve until the organizational meeting following the second  
14 annual election next succeeding the occurrence of the vacancy, and  
15 any vacancy for the remainder of the term shall be filled at the annual  
16 election or the second annual election next succeeding the occurrence  
17 of the vacancy as the case may be.

18 (cf: P.L.1995, c.278, s.29)

19

20 2. This act shall take effect immediately.

21

22

23

24

25 Clarifies procedure to replace member who resigns from school board  
26 in a Type II district.

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13 election or the second annual election next succeeding the occurrence  
14 of the vacancy as the case may be.

15 (cf: P.L.1978, c.136, s.28)

16

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18

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20 STATEMENT

21

22 This bill specifies that when a member of a school board in a Type  
23 II district resigns, the vacancy will be filled by a majority vote of the  
24 remaining members of the board. Under an interpretation of the  
25 present statute, it is possible for the member who resigns to vote on  
26 the appointment of a successor.

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31 Clarifies procedure to replace member who resigns from school board  
32 in a Type II district.

[First Reprint]  
ASSEMBLY, No. 1136

**STATE OF NEW JERSEY**

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblywoman MURPHY and Assemblyman ZECKER

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7 f. By a majority vote of the remaining members of the board  
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25 Clarifies procedure to replace member who resigns from school board  
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ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1136**

with committee amendments

**STATE OF NEW JERSEY**

DATED: MARCH 4, 1996

The Assembly Education Committee favorably reports Assembly Bill No. 1136 with committee amendments.

As amended by committee, this bill specifies that when a member of a school board in a Type II district resigns, the vacancy will be filled by a majority vote of the remaining members of the board after the vacancy has occurred. Under an interpretation of the present statute, it is possible for the member who resigns to vote on the appointment of a successor.

The committee amended the bill to add language clarifying that the vote of the remaining members of the board will occur after the vacancy has occurred.

This bill was pre-filed for introduction in the 1996 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE EDUCATION COMMITTEE

STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 1136**

**STATE OF NEW JERSEY**

DATED: JUNE 24, 1996

The Senate Education Committee reports favorably Assembly Bill No.1136 (1R).

This bill specifies that when a member of a school board in a Type II district resigns, the vacancy will be filled by a majority vote of the remaining members of the board after the vacancy has occurred. Under an interpretation of the present statute, it is possible for the member who resigns to vote on the appointment of a successor.