

Bylaw

FILLING VACANCIES

The board of education shall consist of nine members. Three members shall be chosen at each annual school election and shall hold office for a term of three years except as otherwise provided by law.

Vacancies Filled by the Board

The board shall fill vacancies created by the resignation, removal by the board for cause, or death of a serving member, or when a member ceases to be a bona fide resident of the district. The vacancy shall be filled within the 65 days prescribed by law.

Procedures by which to select the persons to fill such vacancies may include advertisement of the vacancy in the district's designated newspapers, suitable local media, and interviews with interested parties conducted in public by the board acting as committee of the whole.

If a vacancy occurs on the board due to the recall of a board member, all procedures of the law shall be followed to fill that vacancy.

Vacancies filled by the board shall be by a majority vote of the remaining members of the board after the vacancy occurs. The appointment shall expire upon the election of a successor to the unexpired term. Said election to fill the unexpired term shall take place as set forth in statute.

Vacancies Filled by the Executive County Superintendent

The executive county superintendent fills vacancies caused by:

- A. A lack of candidates to the annual school election;
- B. The removal of a member because of lack of qualifications;
- C. Vacancies that the board fails to fill within 65 days; or
- D. A special election results in an equal number of votes for two or more qualified candidates.

The executive county superintendent also appoints enough members to make up a quorum if the lack of a quorum is caused by vacancies.

Vacancies Filled by Special Election

A special election shall be held to fill a vacancy under the following circumstances:

- A. If two or more qualified candidates receive an equal number of votes in an annual school election;
- B. If, during an annual school election, there is a failure to elect a member due to improper election procedures. In which case, the special election shall be restricted to candidates at the school election, shall be held within 60 days of the annual school election, and conducted in accordance with the annual and special school election provision contained in N.J.S.A. Title 19.

Vacancies Filled by the Commissioner of Education

The Commissioner shall fill a vacancy in the event that there is a failure to elect a member due to improper campaign practices.

FILLING VACANCIES (continued)

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Key Words

Filling Vacancies, Board Vacancies

<u>Legal References:</u>	<u>N.J.S.A.</u> 18A:6-56	Election of members of representative assembly; vacancies (educational services commission)
	<u>N.J.S.A.</u> 18A:12-1	Qualifications of board members
	<u>N.J.S.A.</u> 18A:12-3	Cessation of members
	<u>N.J.S.A.</u> 18A:12-7	Boards; appointments; vacancies (Type I district)
	<u>N.J.S.A.</u> 18A:12-15	Vacancies (Type II district)
	<u>N.J.S.A.</u> 18A:13-11	Vacancies in membership of board; filling (regional)
	<u>N.J.S.A.</u> 18A:38-8.1	Additional member on board of education in each sending district
	<u>N.J.S.A.</u> 19:27A-1 <u>et seq.</u>	Uniform Recall Election Law

Possible

<u>Cross References:</u>	*9010	Role of member
	9110	Number of members and terms of office
	9112	Elections/appointments
	9114	Resignation/removal from office
	*9270	Conflict of interest
	*9271	Code of ethics

*Indicates policy is included in the Critical Policy Reference Manual.