

## The Basics of the Recall Process

Board members may not be aware they can be recalled by a public vote. Here's how it works.

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Most board of education members are not aware that they can be recalled from office by the voters under the Uniform Recall Election Law (UREL). The UREL was enacted in 1995 to implement the provision of the New Jersey state constitution which provides that the people of New Jersey have the power to recall their U.S. Senators or Representatives, as well as state and local elected officials. While recall elections are few and far between, board members should be aware that such a process exists. Since the enactment of the UREL only three recall elections for school board members have actually made it to the ballot. In two of the three cases, the members were removed from office by the voters.

The recall process is relatively straightforward, but its timelines are quite stringent. For board of education members, the process begins when at least three registered voters join to prepare a "notice of intention to initiate the recall proceedings" and then file the notice with the board secretary. These three individuals constitute the recall committee. This notice must contain the name of the elected official sought to be recalled; the names of the three sponsors of the recall petition; the name of the recall committee; a statement of whether the recall election shall be held at the next school or general election, as appropriate, or a special election; and, at the option of the committee, a statement of no more than 200 words stating the reason for the recall. The notice must be kept by the board for five years from the date it is submitted.

A valid notice must be published in a newspaper and served upon the board member targeted for recall. The board

member may file either an answer, if a statement of reasons was contained in the notice, or an acknowledgement that he or she was served with the notice.

The next step is the preparation of a recall petition by the recall committee, which is submitted to the board secretary for review. If a statement of reasons and answer were filed, they must appear on the petition. (Voters who sign the petition must verify they have had the opportunity to review the statement of reasons and the answer.) An approved petition may be circulated among the voters to obtain their signatures and the completed petition is then filed with the board secretary.

**Stringent Timelines** There are several significant limitations worth noting in this process. The statute requires the recall committee to file a completed petition within 160 days from the date the recall petition receives the board secretary's "final approval for circulation." If the petition is not filed within that time, it shall be void. Similarly, the petition is also void if it is not "signed by...at least 25 percent of the persons registered to vote in that jurisdiction." Finally, the recall process may not begin more than 50 days before the elected official completes his first year in office. The purpose is to provide the board members with an opportunity to become familiar with the position. On the other hand, an election may not be held within six months of the school board election during the member's last year in office. The point here is to avoid the expense of holding two elections within less than six months.

A board member may challenge the board secretary's determination by filing

a written objection with the secretary, and may contest the secretary's ultimate decision by filing an action in Superior Court. Once a valid petition is filed and accepted by the board secretary, and either no challenge occurs, or the board secretary confirms the original determination after a challenge, the board secretary issues a certificate of "sufficiency" to the recall committee, and serves a copy on the board member. There are specific time periods for determining when the election can be held, and the board secretary selects a date for the election and makes arrangements to have notice of the recall election of the official published in the appropriate newspaper. Both a recall committee, and a recall defense committee, are subject to New Jersey's campaign contribution laws.

It is possible for a board member to resign, and prevent a recall election; however, this must be done within five business days of when the board member has received the certificate of "sufficiency" If the resignation is not filed within this deadline, the election must proceed.

Courts have barred recall elections from proceeding when the process failed to conform to the statutory requirements. In one decision, the Appellate Division confirmed that a recall election was prohibited within six months of the end of an elected official's term. In that case, the court barred the placement of the recall election on the November ballot where the general election was within six months of the end of the board member's term, the following April. The court further determined that the cost of the recall election shall only be paid for by the school board, and not by the recall committee.

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If the recall committee is successful in garnering the necessary signatures and complying with the other statutory requirements, the voters at the designated election will be asked whether the elected official shall be recalled. If so, the ballot also provides the names of people nominated by petition as possible successors to allow the voters to vote for a successor. If the majority of voters favor the recall, the term of the official ends upon the certification of the election results. If a successor is voted on in the same election, the successor with the greatest number of votes joins the board upon the certification of the results and serves for the remainder of the term. Interestingly enough, the recalled official may actually be elected as his own successor, if he chooses to run for the seat. If the majority of votes cast on the recall question do not support the recall, the official shall continue in office.

If the effort fails, members of the recall committee are prohibited from

sponsoring another recall of the board member during that member's term in office, and the board member may not be subject to another recall until he has served another year from the date of the recall election.

A significant amount of time and effort is required to have an election to recall a school board member. The procedural requirements are stringent and a great deal of work is required to garner the necessary signatures. Even if the board member's name makes it to the ballot, a majority of the voters still have to agree that the recall is warranted.

So recalls are rare, and rightfully so. As long as school board members adhere to the oath and ethics that they swore to uphold, the existence of the Uniform Recall Election Law should not be a concern.

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young – middle school or even younger. A student most at risk of becoming involved in the juvenile justice system usually exhibits negative behavior changes such as excessive absenteeism/chronic truancy, drop in grades, changes in attitude toward authority, drug use or excessive alcohol use. Gang recruiters often look for those students who feel disconnected from school, have low self-esteem and want to feel a sense of belonging.

These youngsters may dress in gang colors to gain respect. They may feel that no one will mess with them because of the fear that there is a gang behind them. How do they create this bully image? Simply by dressing up in gang colors and wearing gang insignia. But pretending to be affiliated or dressing up in gang colors can be dangerous; it has gotten young wannabes killed.

Suspected gang-related behavior

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