

Filling Vacancies

A vacancy on the Governing Board may occur for any of the events specified in Government Code 1770 or by a failure to elect. (Education Code 5090) Removal by recall election shall also create a vacancy on the Board. (Elections Code 27344)

A vacancy on the Board from whatever cause arising shall be filled by appointment by the Board, such appointee to hold office until his/her successor is elected and qualified.

If the vacancy occurs before the first day to file nomination papers for the next Board election, a Board member shall be elected at that election as successor to any appointee, or to fill the vacancy if it has not been filled before said first day, for the remainder of any unexpired term.

If the Board does not fill the vacancy within 60 days after the occurrence of the vacancy, it shall call a special election to fill the vacancy, to be held not later than 120 days after the occurrence of the vacancy, provided that such special election need not be called if a regular Board election will be held within 180 days from the occurrence of the vacancy.

If a vacancy is to be filled or if a successor to an appointee is to be elected at a regular Board election to fill the remainder of an unexpired term, the person elected with the lowest number of votes shall be deemed to have been elected to fill the vacancy or to succeed the appointee, if any, to the unexpired term. Those members receiving the highest number of votes shall be deemed to have been elected for the regular four-year term which normally commences in that election year.

If a member of the Board absents himself/herself from all regular meetings of the Board for a period of 60 days, consecutively, from and after the last regular Board meeting attended by such member, unless by permission of the Board expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be a lawfully registered voter and resident of the school district, the member's office there upon shall become vacant and shall be so declared by the Board.

FILLING VACANCIES (continued)

Provisional Appointments

When the special election described above is not required, the Board may make a provisional appointment. (Education Code 5091, 5093)

The Board shall accept nominations for Board membership at a public meeting and shall select the provisional appointee from among these nominees by a majority vote.

*(cf. 9220 - Governing Board Elections)*

*(cf. 9323.2 - Actions by the Board)*

Notice and Duration of Provisional Appointment

Within 10 days after the appointment is made, the Board shall post notices of the vacancy or resignation and the provisional appointment. The notice shall be published in the local newspaper and posted in at least three public places within the district. *(Education Code 5092)*

The notice shall contain: *(Education Code 5092)*

1. The date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation
2. The full name of the appointee
3. The date of appointment
4. A statement notifying the voters that unless a petition calling for a special election pursuant to Education Code 5091 is filed in the office of the County Superintendent of Schools within 30 days of the provisional appointment, it shall become an effective appointment

The person appointed shall hold office until the next regularly scheduled election for district Board members and shall be afforded all the powers and duties of a Board member upon appointment. *(Education Code 5091)*

*Legal Reference: (see next page)*

FILLING VACANCIES (continued)

Legal Reference:

EDUCATION CODE

- 5012 Declaration candidacy or nomination; withdrawal
- 5019-5019.5 Trustee areas
- 5090 Definition (vacancy)
- 5091 Special election or provisional appointment
- 5092 Public notice of vacancy and provisional appointment
- 5093 Re vacancies occurring near end of term and incumbent not reelected
- 5094 Power of president of county board of education when majority of offices vacant
- 5095 Powers of remaining board members and new electees or appointees
- 5200 Districts governed by boards of education
- 5304 Duties of the governing board (re school district elections)
- 5325 Publication of information regarding district elections
- 5420-5426 Cost of elections, especially:
- 5424 Expenses of conducting legal recall election
- 35107 Eligibility
- 35178 Resignation with deferred effective date

ELECTIONS CODE

- 27344 Vacancy in office if majority vote for recall

GOVERNMENT CODE

- 1064 Absence from state
- 1770 Vacancies: definition
- 3060-3074 Removal other than by impeachment
- 6061 One time
- 54950-54962 The Ralph M. Brown Act, especially
- 54953 Meetings open and public; secret ballots
- 58 Ops. Cal. Atty. Gen. 888 (1975)

CULVER CITY CHARTER

- Article VII, Section 702