Vacancy resulting from resignation

Scenario 3: Resignation that occurs up to 6 months prior to General or Presidential Election

Vacancy resulting from resignation [GC§ 1770]

Vacancy takes effect when the resignation is filed with the county superintendent of schools, or within 60 days of the filing if a deferred resignation date is specified, and is irrevocable [EC§ 5090]

Within 60 days of the vacancy, the board selects and appoints candidate or orders a special election [EC§ 5091(a)]

The appointee serves until the next regularly scheduled general election [EC§ 5091(e)]

District administers certificate of appointment and oath of office and sends to SBCEO (see form no.2)

District contacts Elections (805-696-8957) to certify candidate qualifications [EC§ 35107(a)]

Within 10 days of appointment, district publishes and posts notice of appointment (see form no. 3) [EC§ 5092/GC§ 6061]

Should district fail to appoint or call an election, county superintendent calls an election to fill vacancy. The cost of the election is borne by the district [EC§ 5091(a)]

If a petition is filed to oppose the appointment, and deemed sufficient, the provisional appointment is terminated and a special election is held within 130 days of determination [EC§ 5091(c)(2)]

If vacancies occur in a majority of seats on a district board, the County Board of Education may appoint members of its board to the district until new members are seated [EC§ 5094]