

# Options for Filling Vacancies on the Board of Education

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## **DISCLAIMER**

This presentation is not intended to be legal advice. It neither creates nor alters a privileged attorney-client relationship.

# Process Overview

- Vacancies can be filled in one of two ways:
  - By ordering a special election, the winner of which serves on the Board until the next regular Board election; or
  - By making a provisional appointment of a new member.
- The Board must either make a provisional appointment or order a special election within 60 days of the vacancy.

# Option 1: Special Election

- Would occur on either March 3 or June 2.
- Process would be overseen by the County Registrar of Voters.
- However, the District would have to pay to cover the election costs:
  - \$12 - \$15 per voter for an election with in-person voting;
  - \$7 - \$9 per voter if voting is allowed only by mail.
- The last special election in Alameda (which involved the Measure A parcel tax) drew over 22,000 voters.

# Option 2: Provisional Appointment

- Provisional appointments involve a four-step process:
  - Application
  - Initial Review
  - Interview
  - Selection
- Note that appointments made using this process are “provisional” because a special election could still be called by public petition.

# Provisional Appointment: Application

- If the Board chooses this option, staff would work with the Board President to develop and publicize an application.
- Application process would be open to all who meet the minimum qualifications in the law:
  - Over 18 years old
  - Resident of Alameda
  - Registered voter in California
  - Not otherwise disqualified (e.g. by certain criminal convictions)

# Provisional Appointment: Initial Review

- Staff, with assistance from up to two Board members, review the applications:
  - Ensure all required information provided
  - Verify candidates meet minimum qualifications
- Unlike most other aspects of the process, the initial review is not conducted at a public meeting.
- Applicants who pass the initial review progress to the interview stage.

# Provisional Appointment: Interview and Selection

- All candidates passed through to this stage will be interviewed in open session at a special meeting of the Board.
- Applications of candidates publicly posted in advance.
- Following the interviews, the Board will publicly deliberate and select an applicant to fill the vacant seat.
- The successful applicant would be sworn in at the next regular board meeting.
- In order to meet the 60-day deadline, this process must be complete by the Board's February 10, 2015 regular meeting.



# Provisional Appointment: Petition

- The appointee will serve out the remainder of the vacated term (which in this case runs until 2016) unless voters petition the County Superintendent of Schools to hold a special election.
- Petition must be signed by 1.5% of the registered voters in Alameda.
- Petition must be submitted within 30 days of the appointment.
- County makes the determination whether a petition is valid.