

RYAN RONCO
COUNTY CLERK-RECORDER-REGISTRAR OF VOTERS

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AUBURN, CA 95604

ELECTIONS DIVISION

530-886-5650 • Toll Free 800-824-8683 • Fax 530-886-5688
www.placerelections.com • election@placer.ca.gov

Dear Board Secretary:

Enclosed are the necessary forms and documents you'll need to complete the process of filling a vacancy on your Board of Directors.

California Education Code Sections 5090-5095 (enclosed) stipulates that the board has 60 days from the date of a resignation to appoint a new director. If an appointment is not made within 60 days, the Board of Supervisors has 30 days to appoint a replacement. If the Board of Supervisors fails to appoint within 90 days of the resignation, the district must call for a special election to fill the vacant position.

Government Code 1780 also explains the need to publicly post a notice of the vacancy. There is no requirement to publish the notice in a newspaper, but you may do so as a courtesy to the residents of your district if you wish.

You must complete the Statement of Facts and forward the original to the Secretary of State within 10 days of a vacancy occurring on the board. A copy of the Statement and the completed Addendum must be forwarded to our office, either as attachments to an email or by USPS mail delivery. Copies of both documents are enclosed here.

The newly appointed Director should submit a Form 700 (marked to indicate Assuming Office), and the resigning Director should submit a Form 700 (marked to indicate Leaving Office), to our office within 30 days. Information and forms are available at the Fair Political Practices Commission website: www.fppc.ca.gov.

After a new board member is appointed, please complete, sign and administer the Oath of Office (enclosed). The elected/appointed official must also sign it. After administering the Oath, please keep the original, give one copy to the new board member, and return one copy to us. Please note that all copies of the Oath need original signatures for your files.

If you have any questions you may contact our office at 530-886-5650.

Sincerely,

Ryan Ronco
Clerk-Recorder-Registrar of Voters

Tina Belding
Candidate Services

Enc: Certificate of Appointment and Oath of Office, Education Code 5090-5095, Statement of Facts and Addendum to Statement of Facts

CALIFORNIA CODES
EDUCATION CODE
SECTION 5090-5095

5090. Vacancies on school district governing boards or community college district boards are caused by any of the events specified in Section 1770 of the Government Code, or by a failure to elect. A vacancy resulting from resignation occurs when the written resignation is filed with the county superintendent of schools having jurisdiction over the district, except where a deferred effective date is specified in the resignation so filed, in which case the resignation shall become effective on that date. A written resignation, whether specifying a deferred effective date or otherwise, shall, upon being filed with the county superintendent of schools be irrevocable.

5091. (a) Whenever a vacancy occurs, or whenever a resignation has been filed with the county superintendent of schools containing a deferred effective date, the school district or community college district governing board shall, within 60 days of the vacancy or the filing of the deferred resignation, either order an election or make a provisional appointment to fill the vacancy. A governing board member may not defer the effective date of his or her resignation for more than 60 days after he or she files the resignation with the county superintendent of schools.

In the event that a governing board fails to make a provisional appointment or order an election within the prescribed 60-day period as required by this section, the county superintendent of schools shall order an election to fill the vacancy.

(b) When an election is ordered, it shall be held on the next established election date provided pursuant to Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code not less than 130 days after the order of the election.

(c) (1) If a provisional appointment is made within the 60-day period, the registered voters of the district may, within 30 days from the date of the appointment, petition for the conduct of a special election to fill the vacancy. A petition shall be deemed to bear a sufficient number of signatures if signed by at least the number of registered voters of the district equal to $11\frac{1}{2}$ percent of the number of registered voters of the district at the time of the last regular election for governing board members, or 25 registered voters, whichever is greater. However, in districts with registered voters of less than 2,000 persons, a petition shall be deemed to bear a sufficient number of signatures if signed by at least 5 percent of the number of registered voters of the district at the time of the last regular election for governing board members.

(2) The petition shall be submitted to the county superintendent of schools having jurisdiction who shall have 30 days to verify the signatures. If the petition is determined to be legally sufficient by the county superintendent of schools, the provisional appointment is terminated, and the county superintendent of schools shall order a special election to be conducted no later than the 130th day after the determination. However, if an established election date, as defined in Section 1000 of the Elections Code, occurs between the 130th day and the 150th day following the order of the election, the county superintendent of schools may order the special election to be conducted on the regular election date.

(d) A provisional appointment made pursuant to subdivision (a) confers all powers and duties of a governing board member upon the appointee immediately following his or her appointment.

(e) A person appointed to fill a vacancy shall hold office only until the next regularly scheduled election for district governing board members, whereupon an election shall be held to fill the vacancy for the remainder of the unexpired term. A person elected at an

election to fill the vacancy shall hold office for the remainder of the term in which the vacancy occurs or will occur.

(f) (1) Whenever a petition calling for a special election is circulated, the petition shall meet all of the following requirements:

(A) The petition shall contain the estimate of the elections official of the cost of conducting the special election.

(B) The name and residence address of at least one, but not more than five, of the proponents of the petition shall appear on the petition, each of which proponents shall be a registered voter of the school district or community college district, as applicable.

(C) None of the text or other language of the petition shall appear in less than six-point type.

(D) The petition shall be prepared and circulated in conformity with Sections 100 and 104 of the Elections Code.

(2) If any of the requirements of this subdivision are not met as to any petition calling for a special election, the county superintendent of schools shall not verify the signatures, nor shall any further action be taken with respect to the petition.

(3) No person shall permit the list of names on petitions prescribed by this section to be used for any purpose other than qualification of the petition for the purpose of holding an election pursuant to this section.

(4) The petition filed with the county superintendent of schools shall be subject to the restrictions in Section 6253.5 of the Government Code.

(g) Elections held pursuant to subdivisions (b) and (c) shall be conducted in as nearly the same manner as practicable as other governing board member elections.

5092. Whenever a provisional appointment is made to the governing board of a school district pursuant to Section 5091, the board shall, within 10 days of the provisional appointment of a person to fill a vacancy which occurs or will occur, post notices of both the actual vacancy or the filing of a deferred resignation and also the provisional appointment in three public places in the district and shall publish a notice pursuant to Section 6061 of the Government Code. If there is no newspaper of general circulation published in the district, notice need not be published.

The notice shall state the fact of the vacancy or resignation and the date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation. The notice shall also contain the full name of the provisional appointee to the board and the date of his appointment, and a statement that unless a petition calling for a special election, containing a sufficient number of signatures, is filed in the office of county superintendent of schools within 30 days of the date of the provisional appointment, it shall become an effective appointment.

5093. (a) There shall be no special election or appointment to fill a vacancy on a governing board if the vacancy occurs within four months of the end of the term of that position.

(b) Section 5091 shall not apply to a vacancy on a governing board if the vacancy occurs, or a resignation specifying a deferred effective date is filed with the county superintendent of schools, during the period between six months and 130 days prior to a regularly scheduled governing board election and the position is not scheduled to be filled at such election. In such a case, the position shall be filled at a special election for that position to be consolidated with the regular election. A person elected to fill a position under this subdivision shall take office at the next regularly scheduled meeting of the governing board following the certification of the election and shall serve only until the end of the term of the position which he or she was elected to fill.

(c) If a special election pursuant to Section 5091 could be consolidated with the next regular election for governing board members, and the vacant position is scheduled to be filled at such regular election, there shall be no special election.

5094. If for any reason vacancies should occur in a majority of the offices on any school district or community college district governing board, the president of the county board of education having jurisdiction may appoint members of the county board of education to the district governing board until new members of the governing board are elected or appointed.

5095. Whenever any of the offices on any school district governing board or community college district governing board is vacant, the remaining governing board member or members, if any, and any governing board member or members elected or appointed to fill the vacancies, who have qualified, shall have all the powers and perform all the duties of the governing board.



State of California Secretary of State

STATEMENT OF FACTS ROSTER OF PUBLIC AGENCIES FILING

(Government Code section 53051)

Instructions:

1. Complete and mail to: Secretary of State,
P.O. Box 942870, Sacramento, CA 94277-2870 (916) 653-3984
2. A street address must be given as the official mailing address or as the address of the presiding officer.
3. Complete addresses as required.
4. If you need additional space, attach information on an 8½" X 11" page, one sided and legible.

New Filing Update

(Office Use Only)

Legal name of Public Agency: _____

Nature of Update: _____

County: _____

Official Mailing Address: _____

Name and Address of each member of the governing board:

Chairman, President or other Presiding Officer (Indicate Title): _____

Name: _____ Address: _____

Secretary or Clerk (Indicate Title): _____

Name: _____ Address: _____

Members:

Name: _____ Address: _____

RETURN ACKNOWLEDGMENT TO: (Type or Print)

NAME [_____]

ADDRESS [_____]

CITY/STATE/ZIP [_____]

_____ Date

_____ Signature

_____ Typed Name and Title

ADDENDUM TO STATEMENT OF FACTS

Please send to Placer County Office of Elections
Along with a copy of the Statement of Facts

District Name: _____

Telephone #: _____

Email: _____

Board Meeting Date: _____

BOARD MEMBER (First, Last)	TRUSTEE AREA (If applicable)	ADDRESS	TELEPHONE #	Term Expires
			E MAIL	
		Residence:	T (area code)	MM/DD/YY
		Mailing:	E	
		Residence:	T (area code)	MM/DD/YY
		Mailing:	E	
		Residence:	T (area code)	MM/DD/YY
		Mailing:	E	
		Residence:	T (area code)	MM/DD/YY
		Mailing:	E	
		Residence:	T (area code)	MM/DD/YY
		Mailing:	E	
		Residence:	T (area code)	MM/DD/YY
		Mailing:	E	
		Residence:	T (area code)	MM/DD/YY
		Mailing:	E	

Please check the appropriate box below. Directors are:

- Qualified and elected at large;
- Qualified by division/ward/trustee area, and elected at large;
- Qualified and elected by division/ward/trustee area.

BOARD MEMBERS RESIGNATIONS SINCE LAST REPORT	EFFECTIVE DATE	APPOINTED REPLACEMENT NAME	EFFECTIVE DATE
	MM/DD/YY		MM/DD/YY
	MM/DD/YY		MM/DD/YY
	MM/DD/YY		MM/DD/YY

Share/candidate services/districts