

Filling Board Vacancies Policy 133

School Board members are public officials who are elected or appointed to office as provided under state law. In order for an otherwise-eligible candidate's name to appear on a ballot for a Board seat at a spring election, a candidate must complete and file all of the required ballot access forms in a timely fashion.

The District Office shall be the designated filing location for all forms, petitions, oaths of office, and other filings related to Board elections.

A regular term of office for a Board member is three years, commencing on the 4th Monday of April.

Any qualified elector who resides anywhere within the territory of the District may hold any of the Board seats. In any three-year cycle of consecutive spring elections, the following number of Board seats are up for election at the spring election as regular terms:

- Year 1: The terms of three seats expire and are up for election as regular terms in April of 2019, 2022, 2025 and 2028.
- Year 2: The terms of two seats expire and are up for election as regular terms in April of 2020, 2023, 2026 and 2029.
- Year 3: The terms of 2 seats expire and are up for election as regular terms in April of 2021, 2024, 2027 and 2030.

Legal References:

Wisconsin Statutes

<u>Chapter 5</u>	[general elections provisions]
<u>Chapter 6</u>	[the electors]
<u>Chapter 7</u>	[election officials; canvassing]
<u>Chapter 8</u>	[nominations, primaries, elections]
<u>Chapter 9</u>	[recount and recall]
<u>Chapter 10</u>	[election notices]
<u>Chapter 11</u>	[campaign financing]
<u>Chapter 12</u>	[prohibited election practices]
<u>Section 59.23(2)(s)</u>	[reporting board member information to county clerks]
<u>Section 120.02</u>	[changing the number, apportionment, or election of school board members]
<u>Section 120.05</u>	[school board officials] <i>{Editor's Note: This reference does <u>not</u> apply to unified districts.}</i>
<u>Section 120.06</u>	[election of school board members]
<u>Section 120.17</u>	[partial list of duties of school district clerk]
<u>Section 120.17(1)</u>	[clerk to provide municipalities with names and addresses of new board members]
<u>Section 120.42</u>	[election of board members in a unified school district] <i>{Editor's Note: This reference applies <u>only</u> to unified school districts.}</i>

School Board Election Policy 131

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<u>Section 59.23(2)(s)</u>	[reporting board member information to county clerks]
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<u>Section 120.17</u>	[partial list of duties of school district clerk]
<u>Section 120.17(1)</u>	[clerk to provide municipalities with names and addresses of new board members]
<u>Section 120.42</u>	[election of board members in a unified school district] <i>{Editor's Note: This reference applies <u>only</u> to unified school districts.}</i>

FILLING BOARD VACANCIES

Policy 133

Sample Policy 1

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~~(This sample policy provides a set of basic procedures for filling a school board vacancy, including any vacancy that has not been filled within 60 days of the date on which the vacancy first exists. The procedures establish a process under which the board will generally consider potential appointees following a public notice of the vacancy and an opportunity for interested individuals to declare their interest in serving on the board. If a vacancy remains unfilled after 60 days and upon reaching a voting deadlock among the remaining members of the board, the deadlock is resolved through the random selection of a qualifying nominee. Please refer to PRG 133 Sample Exhibit 3 for an example of a sworn declaration of eligibility to hold office, as expressly referenced within this sample policy. If a board is looking for more detailed procedural guidance either as an alternative to this sample policy or in connection with implementing the guidelines established in this sample policy, please refer to either PRG 133 Sample Policy 2 or to the combination of PRG 133 Sample Policy 3, 133 Sample Rule 1, and 133 Sample Rule 2.)~~

Vacancies on the School Board shall be filled in accordance with state law and in substantial compliance with the procedural guidelines outlined in this policy. ~~[include if applicable to at least one school board seat in the district: "Any person who fills a Board vacancy in an apportioned area must be a resident of the area in which the vacancy occurs."]~~

A qualified elector who is selected to fill a Board vacancy shall not take office unless and until he/she has taken and filed the oath of office. The oath shall be filed on or before any deadline that the Board establishes for the appointee to take office. Upon taking and filing the oath, the individual will file a campaign registration statement if required to do so by law.

APPOINTMENT GUIDELINES

During the 60 days immediately following the date on which a vacancy first exists, the Board may fill the vacancy only by an appointment made by a vote of the remaining members of the Board. Any such attempt to fill the vacancy shall be consistent with the following guidelines:

1. The District Administrator, or his/her designee, shall give notice of the vacancy to the public. The notice shall include a deadline for applying to fill the vacancy. The deadline shall be at least 14 days after the date that the notice is first placed on the District website or otherwise first posted or published. ~~(Editor's Note: There is no statutory mandate to issue a notice soliciting interest in serving as an appointee. This sample assumes the board is willing to take that approach for at least a minimum of 14 days.)~~
2. Any qualified elector of the District who is interested in filling the vacancy may submit a letter of application (addressing qualifications and interest) to the office of the District Administrator. Applications received by the specified deadline are assured consideration. If no applications are received by the deadline, the Board President may direct the District Administrator to re-issue the solicitation of interest with the deadline for assured consideration extended by up to an additional 14 days. The Board President shall ensure that all Board members are informed of any such extension.
3. On or before the date of the Board meeting at which the Board considers the potential appointees, each potential appointee shall also submit a sworn declaration of eligibility to hold the vacant board seat. ~~(Editor's Note: This provision is not a statutory requirement. It is intended to provide a documented basis for concluding that the potential appointee is~~

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~~eligible to hold office. Other parts of this sample, below, assume that such a declaration will be required. The PRG includes a sample form for this specific purpose.)~~

4. The Board shall consider all of the identified potential appointees at a properly noticed meeting of the Board. Each potential appointee shall be given an opportunity to make a statement in support of their possible appointment to serve on the Board. The Board may ask questions of one or more of the potential appointees.
5. Unless a majority of the Board approves the use of a roll call or voice vote, the possible selection of an appointee to fill the vacancy will proceed with the use of signed, written ballots. A standard majority of votes cast shall be required to make an appointment, with any vote for "none of the above" counting as a vote cast.

If a vacancy has not been filled by an appointment made within 60 days of the date on which the vacancy first exists, the Board will attempt to fill the vacancy using the following procedure:

1. If a duly-elected successor (i.e., elected at a Spring Election) will be taking office in the seat that is currently vacant within the next 60-day period that follows the initial 60-day period of the vacancy, no other appointee shall serve in the vacant seat in the interim.
2. If the vacancy is not filled by the duly-elected successor in office pursuant to the previous paragraph, then at a regular Board meeting held no later than 45 days after the end of the initial 60-day period of the vacancy, the Board shall attempt to appoint a qualified elector to fill the vacancy by a majority vote. If after 5 rounds of voting the Board still has been unable to fill the vacancy, then the chairperson of the meeting shall declare a deadlock and immediately call for nominations in order to break the deadlock by the random selection of a nominee.
3. A nominee must be a qualified elector who has submitted a sworn declaration of eligibility to fill the vacancy in question and who has not withdrawn from consideration. Each Board member who is present at the meeting may nominate, or support the nomination of, only one nominee.
4. Each nominee, if any, whose nomination is supported by at least 2 Board members (inclusive of the Board member who initially made the nomination) will be included in the random selection process. Any nominee selected as a result of the random process is thereby selected to fill the vacancy.
5. If, for any reason (including the lack of any identified potential appointee), the vacancy is still unfilled 105 days following the date on which the vacancy first existed, then the procedures listed above shall be repeated at regular Board meetings held at approximately monthly intervals until either the vacancy is filled or there are fewer than 60 days before a duly-elected successor will take office in the vacant seat.

For purposes of this policy, a regular Board meeting is any Board meeting that is convened pursuant to lawful authority (e.g., a meeting scheduled by a specific vote of the Board, the regular monthly meeting(s) established by a Board decision or under a Board policy, etc.) other than a meeting that has been scheduled and convened upon the call or request of an individual board member. ~~Unified school districts should add the following statement: "In addition, a meeting that is scheduled pursuant to the filing of a request signed by a majority of board members shall not be considered a regular meeting for purposes of this policy."~~

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Legal References:

Wisconsin Statutes

Section 11.0202(1)	{individuals holding a local office shall file a campaign registration statement}
Section 17.01(13)	{board member resignations; how made}
Section 17.03	{cause of vacancies}
Section 17.035	{military leave vacancies}
Section 17.17(5)	{clerk to provide notice of vacancies to school board}
Section 17.26	{filling school board vacancies}
Section 19.01	{oath of office}
Section 59.23(2)(s)	{reporting board member information to county clerks}
Section 120.05(1)(c)	{board member residency}
Section 120.06(10)	{clerk to provide notice of appointment; timely oath required}
Section 120.12(26)	{school board required to adopt a policy on filling vacancies not filled within 60 days of the date on which the vacancy first exists}
Section 120.17(1)	{clerk to provide municipalities with names and addresses of new board members}

Cross References:

{insert appropriate cross references to the policy as applicable to your district.}

Former Policy OP-1, 2nd Part

See Exhibit 133 – Declaration of Eligibility to Hold Office

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Adoption Date: