

## UNEXPIRED TERM FULFILLMENT

Unexpired term fulfillment is established by the Delaware Code, Title 14, Chapter 10:

§ 1054. Vacancy on school board

- (a) If any school board member ceases to be a resident of the reorganized school district, he shall cease to be a member of its school board.
- (b) Unless otherwise provided in this chapter, a vacancy on a school board, for any cause other than the expiration of term, shall be filled by the remaining members of the school board for the remainder of the fiscal year, and a new member shall be elected at the next regular school board election to serve for the unexpired term as specified below:
  - 1) When a vacancy occurs on a school board except for expiration of a term, the respective School District shall inform the public and the Department of Elections that conducts elections for the School District that the vacancy has occurred no later than 5 business days following the vacancy.
  - 2) A person appointed to fill a vacant seat shall meet the qualifications to be elected to that seat.
  - 3) No appointment shall be made until after public notice of the vacancy and the request for formal application from interested persons is made. Notice shall be given by posting the notice on the main door of each school in the school district and by publication for once a week for 2 consecutive weeks in a newspaper of general circulation in the school district.
  - 4) When a vacancy occurs on a School Board after the second Friday in February of a fiscal year, the respective Department of Elections shall establish a special filing deadline for that seat that is 20 days following receipt of notification of the vacancy. If the special filing deadline falls on a Saturday, Sunday or state holiday, the deadline shall be the first business day following that Saturday, Sunday or state holiday.
- (c) In the event that a majority of or the whole membership of a school board shall become vacant at the same time for any reason whatsoever, the State Board of Education shall immediately appoint an interim school board to conduct the business of the district. If the school board is elected, the State Board of Education shall call a special school board election to be held in the reorganized school district, within 60 calendar days, to elect members to fill the unexpired terms. If the school board is appointed, the appointing authority shall appoint the required number of school board members to fill

the unexpired terms. Candidate filings and elections held or appointments made pursuant to this section shall be held or made in accordance with this chapter. The interim board members shall be dismissed upon qualification of the newly elected or appointed members.

- (d) In the event of vacancies under this section which are to be filled at the next regular school board election, candidates shall file for the position vacant to fill the remainder of the unexpired term in accordance with § 1075 of this title.

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