

## **BBC: Method of Filling a Board Vacancy**

The Divide County School Board must fill by appointment or special election any vacant seat on the Board. A vacancy may exist for any reason set forth in NDCC § 44-02-01 and must be filled within 60 days from the time the vacancy occurs. Upon receiving notice that a vacancy exists, the Business Manager shall notify the County Superintendent.

The Board may fill the vacancy through the selection process outlined herein. If the Board chooses not to utilize this selection process, it must either appoint an individual to fill the vacancy by acting at a regular or special meeting with a 2/3rds majority vote or call for a special election to fill the vacancy. The Business Manager shall certify any appointment made by the Board to the County Superintendent of Schools.

### **Notice**

If the Board chooses to fill the vacancy through a selection process, the Superintendent shall publish notice of the vacancy and information on the application process as directed by the Board. The Board shall establish an application period, which shall not be less than four weeks nor more than six weeks and shall have clearly stated beginning and closing dates. The Board shall select a committee to review applications and make recommendations to the Board at the next regular or special meeting called for that purpose.

Interested individuals shall be required to complete an Application for Board Position. This application is subject to North Dakota open records laws and will be supplied to each board member.

Should the Board fail to receive any qualified applications for the board vacancy by the application deadline, the Board President shall identify a candidate or candidates for board appointment, and the Board shall convene at an open meeting to select the finalist using the procedure below.

### **Selection Process**

At the next regular meeting of the Board or at a special meeting called for that purpose, the Business Manager will report all candidates by name. The Board shall vote on the final pool of candidates through a signed ballot process. The Business Manager shall read ballots aloud during the board meeting. The candidate receiving the simple majority of votes shall fill the board vacancy.

In the event of a tie, the Board will recast their votes through signed ballots, voting only on the candidates who were tied. Should a stalemate exist after the Board has voted three times, the Board will table the appointment process until the next regular or special meeting called for that purpose. Should a stalemate exist after thirty days, the Board shall initiate the proceedings for holding a special election to fill the board vacancy.

### **Commencement of Duties**

The newly appointed/elected board member shall be seated at the next meeting of the Board following his/her appointment/election. The appointed/elected board member shall execute the Oath of Office in accordance with the deadline in law. A board member thus appointed/elected shall serve until the next regular election of the Board and until a successor is elected and qualified.

The same orientation procedures shall apply for any appointed member as for a regularly elected member.

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Complementary Documents

- BEB, New Member Orientation