

#### **R 1-3-4 Filling Vacancies**

Vacancies may occur on the Board of Education due to death, resignation, removal, or failure of a Board Member to meet the eligibility terms as defined in *R 1-3-2 Qualifications of Board Members*. Vacancies shall be filled by appointment by the Board of Education within 45 days of any vacancy that occurs in its membership. In the event the Board does not act within 45 days, the State Superintendent of schools shall appoint a person to fill the vacancy. Vacancies are filled in the following manner:

- ❖ If a vacancy occurs after the 84<sup>th</sup> day before a general election, and the unexpired term of office ends on June 30 following the next primary election, the appointee shall continue in office until the completion of the term.
- ❖ If a vacancy occurs after the 84<sup>th</sup> day before a general election, but prior to the close of candidate filing for the next primary election, and the unexpired term does not end on June 30 following the next primary election, an election for the unexpired term shall be held at the next primary election. The appointee to the unexpired term shall serve until June 30 following the primary election, and the duly elected candidate shall take office on July 1 and continue to serve until the expiration of the original term of office.
- ❖ Vacancies that occur after the close of candidate filing for the primary election, but not later than 84 days before the general election, shall be filled in the general election. The appointee shall serve until a successor is elected and certified.

The person with the highest number of votes may be declared elected to an unexpired term notwithstanding the fact that the person's magisterial district has two representatives serving on the Board at the time of election. However, such election is valid only if the number of representatives from that magisterial district will be less than two as of the first day of July following the primary.  
(WVC §3-5-6 and §18-5-2)