
The Education Code authorizes district governing boards to order financial elections, such as bond and apportionment elections. After the passage of Proposition 13 on June 6, 1978, which placed a constitutional limitation on the amount of any ad valorem tax on real property at one percent of the full cash value of such property, few school and community college districts held such elections. The passage of Proposition 46 on June 3, 1986, amended the California Constitution to permit bond elections to be held for specified limited purposes. Proposition 39 passed on November 7, 2000, authorized bond elections for school facilities with a 55 percent vote. [EC §§ 15100 et seq., 15120-6, 15264 et seq., 15340, 16527]

The only regularly scheduled school district election is the biennial governing board members' election. The date of this election for districts may vary if specified by city charter or board resolution. Elections may also be held periodically to fill governing board vacancies, to recall governing board members, or to determine issues related to school district organization. These periodic elections are normally scheduled on one of the regular election dates each year and are consolidated with other elections in the same area to reduce election costs for the districts involved. An all-mail ballot is an option for an election to fill a governing board vacancy. [EC §§ 5000 et seq., 5090 et seq., 5320 et seq., 35557-9, 35710, 35756-64; EIC §§ 4004, 9603]

The governing board, the county superintendent of schools, and the county elections official have specific responsibilities for each type of election. The governing board adopts the necessary resolutions for ordering and consolidating an election. The county superintendent of schools calls and conducts most school district elections. The county elections official performs all duties incident to the preparation for and holding of school district elections. County Counsel provides impartial analyses required for district elections. [EC § 1258]

Duties of the Governing Board

1. To order elections as authorized. [EC §§ 5304, 5322]
2. To resolve tie votes in governing board member elections. [EC § 5016]
3. To determine whether a charge will be levied against a candidate for the candidate's statement. [EIC § 13307(e)]

Duties of the County Superintendent of Schools

1. To call elections when ordered. [EC §§ 5302, 5322-5]

2. To prepare recommendations, statements, or arguments for any elections where they are required.
3. To receive petitions as authorized.

Duties of the County Elections Official

1. To perform those duties incident to the preparation for and holding of all district elections. [EC § 5303]
2. To call elections when ordered. [EC §§ 5322, 5325]

The elections official may request the use of school buildings as polling places and a telephone line for Internet access on election day. [EIC § 12283]

School and community college district elections are governed by the Elections Code except as otherwise provided in the Education Code. Many former Education Code sections that related to district elections were repealed and reenacted into the Elections Code. Other Education Code sections have been amended to conform with the Uniform District Election Law (UDEL) contained in the Elections Code. For example, the provisions for recall of local officers, such as governing board members, are now contained in the Elections Code. Some of the pertinent Elections Code provisions that affect school district elections are summarized below. [EC § 5300; EIC § 10500 et seq.]

Ballot Arguments

A written argument for or against any school measure may be filed by [EIC § 9501]:

1. The governing board of a district or member(s) authorized by the board, or
2. Any individual voter who is eligible to vote on the measure, or
3. A bona fide association of citizens, or
4. A combination of such voters and associations.

No argument will exceed 300 words in length. A ballot argument shall be accompanied by the printed name(s) and signature(s) of the person(s) submitting it. One pro argument and one con argument will be printed and mailed to the voters. The arguments' authors in favor and against the measure may prepare and submit rebuttal arguments not exceeding 250 words. [EIC §§ 9501, 9501.5, 9504]

88-Day Notice

The governing board makes a resolution ordering an election and sets forth the specifications on the date and purpose of the election. Conformed copies of the resolution must be delivered to the Registrar of Voters, San Diego County, not less than 88 days prior to the election. [EC § 5322]

Limitation on Length of Ballot Measure Form

Districts anticipating placing a measure on the ballot (e.g., bond election) are reminded that Elections Code section 13247 requires that the statement submitted to the electors will be abbreviated on the ballot. The statement is limited to 75 words or less. [EIC § 13247]

Consolidated Elections

If two or more elections of any type are to be held on the same day in the same territory, or in territory that is in part the same, they may be consolidated. The governing board must request consolidation. Consolidation of a school district election with a statewide election requires approval of the Board of Supervisors, San Diego County. The county superintendent of schools will consolidate governing board elections. [EC §§ 5323, 5342, 15101, 15121; EIC §§ 1302 et seq., 10400 et seq.]

Election Expenses

Various election costs and the public agency that will pay for each type of school or community college district elections are identified in the Education Code. Districts may pay for printing, handling, translating, and mailing candidate statements contained in the voter's pamphlet (see Additional Resources). [85 Ops.Cal.Atty.Gen. 49 (2002)] The governing board may require candidates to pay the cost of candidates' statements printed and mailed to the voters. [EC §§ 5420-6; EIC §§ 3024, 13307(e)]

School or community college district funds, services, supplies, or equipment shall not be used to urge the support or defeat of any ballot measure or candidate. [EC § 7050 et seq.]

Established Election Dates, Statewide Elections

The established election dates in each year are as follows [EIC § 1000]:

1. The second Tuesday of April of each even-numbered year.

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2. The first Tuesday after the first Monday in March of each odd numbered year.
 3. The first Tuesday after the first Monday in June in each year.
 4. The first Tuesday after the first Monday in November of each year.
 5. The first Tuesday in February of each year evenly divisible by four.

Elections held in June (direct primary) and November (general) of each even-numbered year and held in February (presidential primary) of each year evenly divisible by four will be statewide election dates. [EIC §§ 316, 324, 340, 1001, 1201-2]

Other dates are established on which mail ballot elections may be held. [EIC § 1500]

Special Elections

All school district elections will be held on an established election date, with specified exceptions. No election shall be held on any day other than a Tuesday. No election shall be held the day before, the day of, or the day after a state holiday. [EC §§ 15101, 15266(a), 15340; EIC §§ 1002-3, 1100, 1405]

Special elections may not be held within a 45-day period before or after a statewide election, unless conducted at the same time as the statewide election or on an established election date. This 90-day "blackout" period occurs every two years, when statewide primary and general elections are held. These restrictions apply to all general obligation bonds requiring a two-thirds vote but do not affect 55 percent bonds, which may not be considered at a special election. [EC § 15101]

Financial Elections

School and community college district governing boards may issue general obligation bonds for the acquisition or improvement of real property (land and buildings) by a two-thirds vote of the voters voting on the proposition. General obligation bonds for the construction, reconstruction, rehabilitation, or replacement of school facilities, or acquisition or lease of real property for school facilities may be authorized by a 55 percent vote. The bonds may be financed by an increase in the ad valorem tax rate only for these purposes. [CalC, Art. XIII, XIII A; EC §§ 15100 et seq, 15264 et seq.; GC § 53506 et seq.]

The governing board may propose by resolution the adoption of a special tax for a special purpose, not for the general operation of the district. The resolution must include the type and rate of tax to be levied and the method of collection. The California

Constitution prohibits this special tax from being a tax upon the value of real property. It can be a flat tax on all parcels of real property regardless of value or a tax per square footage, for example. The proposition must be approved by a two-thirds vote of the voters voting on the proposition.

Any local special tax or bond measure that is subject to voter approval must include a statement of the specific purposes of the tax or bond. The statement must specify that the proceeds of the tax or bond must be applied to the identified purposes and shall be deposited into an account specifically created for the funds. The chief fiscal officer must provide an annual fiscal report with information on the status of the project and the amounts of collected and expended funds. [GC §§ 50075.1 et seq., 53410 et seq.] Any such resolutions that a school district proposes to adopt should be examined by district counsel prior to adoption, sufficiently in advance of the 88-day deadline for submission of the resolution to the officer conducting the election. [EC § 5322]

No other bond election may be held in any school district for a period of 90 days after such an election was conducted in the same school district. [EC § 15120]

The governing board may propose bonded indebtedness for a school facilities improvement district. After adopting a resolution ordering the formation of a school facilities improvement district, the governing board must submit to the voters a proposition on whether to incur the indebtedness and issue bonds. The governing board may call a special bond election within the district or submit the proposition to the voters at the next statewide election. [EC §§ 15101.75, 15340 et seq.]

Governing Board Member Elections

A governing board member election will be held biennially on the first Tuesday after the first Monday in November of each odd-numbered year. This is in order to fill the offices of members whose terms expire on the first Friday in December next succeeding the election. A school or community college district governing board may adopt a resolution requiring its general election to be held on the June statewide primary or November statewide general election date. Each person elected at the regular biennial governing board member election will hold office for a four-year term. This commences on the first Friday in December next succeeding the person's election. [EC §§ 5000, 5017(a); EIC §§ 1302, 10404.5, 10600 et seq.]

Any vacancy that occurs on a district governing board will be filled by election or appointment. Contact the Superintendent of Schools, San Diego County, for materials to assist the governing board to fill a vacancy. When an election is ordered, it will be held on the next established election date that is not less than 130 days after the order of the election. If the governing board makes a provisional appointment, registered

voters may petition for a special election to be conducted to fill the vacancy. The governing board may adopt a resolution to authorize an all-mail ballot election to fill the vacancy. The Superintendent of Schools, San Diego County, will order a special election that will be conducted no later than the 130th day after the determination of the petition's sufficiency. 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 superintendent of schools may call such special election to be conducted on the regular election date. [EC § 5091 et seq.; EIC §§ 1000, 1500, 4004; GC §1770]

A provisional appointment confers all governing board member powers and duties upon the appointee immediately following appointment. A person appointed to a vacancy on a governing board will hold office only until the next regularly scheduled election for governing board members. Then an election is held to fill the vacancy for the remainder of the unexpired term in which the vacancy occurred. [EC § 5091]

If the governing board determines to fill a vacancy at an election, legal counsel should be contacted to prepare the resolutions ordering the election and consolidating the election, if necessary, to be adopted by the governing board. After adoption by the governing board, conformed copies of the resolution(s) are delivered to the Superintendent of Schools, San Diego County, and to the Registrar of Voters, San Diego County.

Governing Board Member Recall Elections

Within 14 days after the regular meeting at which a certificate of sufficiency is received from the registrar of voters for a petition seeking the recall of a governing board member, the governing board of a school or community college district must issue an order stating that a recall election will be held. The election must be held not less than 88 nor more than 125 days after the issuance of the order and must be consolidated with a regular election to be held within this period. The district should consult with the

Registrar of Voters to determine an appropriate date for this election. The district should also contact legal counsel for preparation of the necessary resolutions to order and consolidate the recall election. [EIC §§ 11240-2]

The provisions for recall of local elective officers, including officers appointed to fill vacancies, such as governing board members of school and community college districts, are contained in the Elections Code. Individuals or governing board members who desire information on the recall process should contact the Registrar of Voters for assistance. The Secretary of State prepared an online pamphlet on the procedure for

recalling state and local officials in 2003 (see Additional Resources). The procedure for recalling a local official [EIC § 11000 et seq.], such as a board member, is excerpted below:

1. Registered voters in the school or community college district may seek to recall a governing board member who has held office during the current term for more than 90 days, who has not had a recall election determined in the board member's favor within the last six months, and whose term of office does not end within six months or less. [EIC § 11007]
2. Proponents begin the recall procedure by personal delivery or by certified mailing, filing, and publication or posting according to legal requirements, of a copy of the notice of intention to circulate a recall petition. [EIC §§ 11006, 11020-4]

The notice of intention must contain:

- a. The name and title of the officer to be recalled.
 - b. A statement (200-word maximum) of the reasons for the recall.
 - c. The printed name, signature (10 signatures minimum or higher amount for specific office), and a business or residence address, or alternative mailing address, of each of the proponents of the recall.
 - d. The provisions of Elections Code section 11023.
3. The governing board member sought to be recalled may file a signed answer (200-word maximum), accompanied by the member's printed name and business or residence address, with the Registrar of Voters and shall serve a copy by personal delivery or certified mail on one proponent within seven days of the filing of the notice. [EIC § 11023]
 4. Before the proponents may obtain any signatures on a recall petition, they must file during normal, posted office hours two blank copies of the petition and affidavit of posting or publication with the Registrar of Voters, who determines if the proposed form, printing, and wording meet legal requirements. The required format for the petition may be obtained from the Registrar of Voters or the Secretary of State. The petition shall include a copy of the notice of intention and the answer, if any, of the board member sought to be recalled. The approved petition can be circulated and signed only by registered voters who are qualified to vote for the board member sought to be recalled. [EIC §§ 11040-7]

5. The number of signatures required to qualify a particular recall is based upon a percentage of registered voters in the district. The percentage varies from ten to thirty percent depending upon the total registration in the district as of the time of the last report of registration by the Registrar of Voters to the Secretary of State. The deadline for filing the signed petition with the Registrar of Voters varies from 40 to 160 days after approval of the petition, depending upon the total voter registration in the district. The minimum number of signatures required and the deadline for filing should be determined by the Registrar of Voters when the recall process is initiated. [EIC §§ 11220-1]
6. The Registrar of Voters determines whether the petition and any supplemental petitions were signed by the required number of qualified signatures and, if required, issues a certificate of sufficiency to the governing board, which orders the election. [EIC §§ 11224, 11227]
7. If a majority vote on the question of recall, the governing board member is removed from office and the candidate who received the highest number of votes is the successor. The recalled officer may not be a candidate to succeed himself or herself or any other recalled officer on the same governing board. [EIC § 11381 et seq.]

Reorganization Elections

The county superintendent of schools shall order elections to reorganize school or community college districts as required by action of the county committee on school district organization, the California State Board of Education, or the Board of Governors of the California Community Colleges. Reorganization proposals may include transfers of territory, unification, annexation, and unionization, and may involve election of governing board members for the reorganized district. The election shall be held at the next election of any kind in the area of election, and the cost of the election shall be a charge against the county general fund (County School Service Fund in San Diego County). The area of election may be determined in accordance with applicable Education Code provisions by the type of reorganization proposed, plans and recommendations relating to the reorganization, court decisions on area of interest, or action of the county committee on school district organization, State Board of Education, or Board of Governors. [EC §§ 5425-6, 35710, 35756, 35756.5, 35759, 74230]

A majority vote is required to authorize district reorganization. The reorganization is effective for all purposes on July 1 of the calendar year following the calendar year in which the action is complete. [EC §§ 35534, 35764, 74251]

DISTRICT REORGANIZATION

The organization of districts as they existed on January 1, 1981, and local educational needs and concerns serve as the basis for reorganization. The reorganization procedure for school districts is different from that for community college districts. The procedures are outlined below for transfers of territory and for other reorganizations. [EC §§ 35500 et seq., 74000 et seq.]

The San Diego County Board of Education serves as the San Diego County Committee on School District Organization, which is charged with the responsibility of handling school and community college district reorganization. The county superintendent of schools may provide specified services with respect to the reorganization of a school district. [EC § 35700.1] A district considering a potential reorganization should contact the San Diego County Office of Education for assistance. The San Diego County Committee on School District Organization encourages district(s) affected to agree on the method of proposed reorganization prior to initiating the procedure for reorganization as requested by district(s) or individual electors. [EC § 4020 et seq.]

Transfer of Territory (K-12 Districts)

1. Governing board(s), registered electors, or property owners develop reasonable identification of territory to be transferred. Although the map and legal description must be in the format required by the State Board of Equalization, Tax Area Services Section, this is not a prerequisite for filing a valid petition. [EC § 35700.3]
2. Affected elementary and unified district governing board(s) approve petition to transfer territory. A petition of 25 percent of the registered electors residing in the territory proposed to be transferred, or property owner(s) if uninhabited, also initiates the process. [EC § 35700]
3. Upon submission of the signed petition to the county superintendent of schools, the county superintendent transmits the petition, if sufficient, to the county committee on school district organization and the State Board of Education. [EC § 35704]
4. The county committee notifies the local agency formation commission (LAFCO) [EC § 35700.5]
5. The county committee may add to the petition. A report of the county assessor is requested. The description of the petition is made available to the public ten days prior to the public hearings. [EC § 35705.5]

6. The county committee holds public hearings at regular/special meetings in each affected district within 60 days of the transmittal. [EC § 35705]
7. The county committee conducts an initial study and files a Negative Declaration, as appropriate, in compliance with the California Environmental Quality Act (CEQA). [PRC § 21000 et seq.; 14 CCR § 15000 et seq.]
8. Within 120 days after commencement of the first public hearing on the petition, the county committee shall approve or disapprove the petition. [EC § 35706]
9. The county committee may approve the petition and order the petition granted if conditions of Education Code § 35753(a) are substantially met and if (1) uninhabited territory with owner(s)' and governing boards' consent, or (2) inhabited territory, less than 10 percent assessed valuation, and governing boards' consent. [EC § 35709]
10. If the county committee approves other petitions to transfer territory, it shall notify the county superintendent to call an election to be conducted at the next election of any kind in the territory of the districts as determined by the county committee. [EC § 35710]
11. If the transfer is granted or approved at an election, the board of supervisors makes the order to reestablish boundaries. Action is complete on the date of the board of supervisors' action and is effective for all purposes on July 1 of the calendar year following the calendar year in which all action is completed. [EC §§ 35530, 35534, 35765; GC § 54900]

The final date to file for a change of jurisdictional boundary is December 1 for the State Board of Equalization to levy taxes or assessments for the next school year.

A fee must be paid to the State Board of Equalization by the receiving district. The fee is \$300 to \$3,500 for each parcel, based upon acreage involved in the transfer (see Additional Resources). [GC §§ 54902, 54902.5]

Transfer of Territory (Community College Districts)

1. Governing boards(s) or registered electors develop reasonable identification of territory to be transferred. Although the map and legal description must be in the format required by the State Board of Equalization, Tax Area Services Section, this is not a prerequisite for filing a valid petition.

2. The affected community college district governing boards approve the petition to transfer territory. A petition of 25 percent of the registered electors residing in the territory proposed to be transferred also initiates the process. [EC § 74100]
3. Upon submission of the signed petition to the county superintendent of schools, the petition is transmitted to the board of governors, and if sufficient, is transmitted to the county committee on school district organization, the governing board of each affected district, and the board of governors. A petition for a minor change in district boundaries, as defined, may be transmitted directly to the board of supervisors by the county superintendent of schools without submission to the county committee. [EC § 74104]
4. The county committee may add to the petition. A report of the county assessor is requested. The description of the petition and report are made available to the public, the affected governing boards, and the board of governors ten days prior to the public hearings. [EC § 74106]
5. The county committee holds public hearing(s) at regular/special meetings in each affected district within 90 days of transmittal. [EC § 74105]
6. Within 90 days after the public hearing(s), the county committee forwards a copy of the petition and report documents to each district governing board and the board of governors for review. [EC § 74107]
7. The county committee conducts an initial study and files a Negative Declaration, as appropriate, in compliance with the California Environmental Quality Act (CEQA). [PRC § 21000 et seq.; 14 CCR § 15000 et seq.]
8. After holding a public hearing, the receiving district governing board signs a statement of agreement and returns the statement with the petition and notice of action to the county committee. [EC § 74107]
9. The county committee transmits a copy of the approved petition and any related information or recommendations to the chief petitioners and the board of governors. Denial requires written notice. [EC § 74109-10]
10. If the petition is approved by the county committee, the board of supervisors makes the order to reestablish the boundaries. Action is complete on the date of the board of supervisors' action, and is effective for all purposes July 1 of the subsequent year for any transfer completed on or before January 1. [EC § 74250-1; GC § 54900]

The final date to file for a change of jurisdictional boundary is December 1 for the State Board of Equalization to levy taxes or assessments for the next school year.

A fee must be paid to the State Board of Equalization by the receiving district. The fee is currently \$300 to \$3,500 for each single area, based upon acreage involved in the transfer (see Additional Resources). [GC §§ 54902, 54902.5]

Other Reorganizations (K-12 Districts)

School district reorganization proposals include unification, unionization, formations, and other types of reorganization. Actions to reorganize may be initiated by the governing boards of the districts affected; a petition of 25 percent of the registered voters residing in the territory proposed to be reorganized (eight percent of votes cast in last gubernatorial election for proposal affecting a single school district with over 200,000 ADA); a petition of 10 percent of the qualified electors residing in any district for consideration of unification (at least five percent in a school district with over 200,000 ADA) or other reorganization; or a resolution from a city council, board of supervisors, governing body of a special district, or LAFCO. [EC §§ 35700, 35721]

The following list provides legal references for the major requirements and processes of a reorganization proposal:

1. Initiation of a reorganization proposal. [EC §§ 35700, 35721]
2. Written notification of LAFCO. [EC §§ 35700.5, 35721.5]
3. Public hearings by county committee following receipt of petition. [EC §§ 35705, 35721]
4. Recommendations of county committee; approval/disapproval. [EC § 35706]
5. Granting or denial of petition (county committee); tentative and final recommendations. [EC §§ 35720.5, 35721, 35722, 35730 et seq.]
6. Transmittal of recommendation to State Board of Education. [EC §§ 35707, 35722]
7. State Board of Education hearing; approval and election. [EC § 35750 et seq.]
8. The fee for processing any change shall be determined by the Tax Area Services Section, State Board of Equalization. [GC §§ 54902, 54902.5]

A reorganization proposal may be withdrawn from consideration by the State Board of Education by resolution of the governing boards initiating the petition process and approval of the county committee. [EC § 35752]

A program to facilitate unification of school districts was authorized for three counties to use at the election of the county superintendents of schools. [EC § 35800 et seq.]

The *School District Organization Handbook*, published by the California Department of Education, Sacramento, is a resource manual that provides details and flowcharts on the requirements and procedures for all reorganization proposals (See Additional Resources). Districts are also encouraged to contact the San Diego County Office of Education if additional information is desired.

Other Reorganizations (Community College Districts)

Because of the infrequency of requests for community college district reorganization studies other than transfer of territory, no procedures will be outlined in this section. Community college districts should reference the appropriate Education Code sections for specific information and are encouraged to contact the San Diego County Office of Education if information is desired on formation or annexation of a community college district. [EC § 74100 et seq.]

ADDITIONAL RESOURCES

1. American FactFinder Database, U.S. Census Bureau, for population, housing, economic and geographic data. To identify school district, county, and other information specific to a street address, use the "street address" search option. Available: <http://factfinder.census.gov/home/saff/main.html?_lang=en>
2. The California Environmental Quality Act. Available: <http://www.ceres.ca.gov/topic/env_law/ceqa>
3. California Secretary of State. Available: <<http://www.ss.ca.gov/>>
4. Legal Opinions of the California Attorney General. Available: <<http://caag.state.ca.us/opinions/>>

85 Ops.Cal.Atty.Gen. 49 (2002). Available: <<http://ag.ca.gov/opinions/pdfs/01-619.pdf>>
5. Procedure for Recalling State and Local Officials (2007). Available: <<http://www.ss.ca.gov/elections/recall.pdf>>

6. San Diego County Registrar of Voters. Available:
<<http://www.sdcounty.ca.gov/voters/Eng/Eindex.html>>
7. *School District Organization Handbook*, California Department of Education, August 2006. Available: <<http://www.cde.ca.gov/re/lr/do/>>
8. State Board of Equalization:

Change of Jurisdictional Boundary, Fees. Available:
<<http://www.boe.ca.gov/proptaxes/pdf/jurboundaryreq.pdf>>

Statement of Boundary Change, Form BOE-400-TA. Available:
<<http://www.boe.ca.gov/proptaxes/pdf/400ta.pdf>>

LIST OF EXHIBITS

- Exhibit 1 Notice of Provisional Appointment to the Governing Board of the School District, Sample Form, San Diego County Office of Education

This version (1A) is used for terms expiring in the year of the next regularly scheduled election.

**NOTICE OF PROVISIONAL APPOINTMENT
TO THE GOVERNING BOARD OF THE
_____ SCHOOL DISTRICT**

NOTICE IS HEREBY GIVEN, pursuant to Education Code section 5092, that:

On _____ (Date) _____ a vacancy occurred on the above-named governing board; and

OR

On _____ (Date) _____ a resignation was filed with the County Superintendent of Schools containing the deferred effective date of _____ (Date) _____; and

On _____ (Date) _____ the remaining members of said governing board appointed _____ (Name of Appointee) _____ as the provisional appointee who shall hold office until the next regularly scheduled election for district governing board members on _____ (Election Date) _____; and

The provisional appointment confers all powers and duties upon the appointee immediately following his or her appointment; and

Unless a petition calling for a special election is filed with the County Superintendent of Schools within thirty (30) days after the date of the provisional appointment, it shall become an effective appointment; and

This version (1B) is used for terms not expiring in the year of the next regularly scheduled election. The highlighted section is the difference between 1A and 1B.

**NOTICE OF PROVISIONAL APPOINTMENT
TO THE GOVERNING BOARD OF THE
_____ SCHOOL DISTRICT**

NOTICE IS HEREBY GIVEN, pursuant to Education Code section 5092, that:

On _____ (Date) _____ a vacancy occurred on the above-named governing board; and

OR

On _____ (Date) _____ a resignation was filed with the County Superintendent of Schools containing the deferred effective date of _____ (Date) _____; and

On _____ (Date) _____ the remaining members of said governing board appointed _____ (Name of Appointee) _____ as the provisional appointee who shall hold office until the next regularly scheduled election for district governing board members on _____ (Election Date) _____, at which time the vacancy shall be filled for the remainder of the unexpired term; and

The provisional appointment confers all powers and duties upon the appointee immediately following his or her appointment; and

Unless a petition calling for a special election is filed with the County Superintendent of Schools within thirty (30) days after the date of the provisional appointment, it shall become an effective appointment; and

