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PLACER COUNTY ELECTIONS OFFICE

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Dear Board Secretary:

Enclosed are the necessary forms and documents you'll need to complete the process of filling a vacancy on your Board of Directors.

California Education Code Sections 5090-5095 (enclosed) stipulates that the board has 60 days from the date of a resignation to appoint a new director. If an appointment is not made within 60 days, the Board of Supervisors has 30 days to appoint a replacement. If the Board of Supervisors fails to appoint within 90 days of the resignation, the district must call for a special election to fill the vacant position.

Government Code 1780 also explains the need to publicly post a notice of the vacancy. There is no requirement to publish the notice in a newspaper, but you may do so as a courtesy to the residents of your district if you wish.

You must complete the Registry of Public Agencies and forward the original to the Secretary of State within 10 days of a vacancy occurring on the board. A copy of the Registry of Public Agencies and the completed Addendum must be forwarded to our office, either as attachments to an email or by USPS mail delivery. Copies of both documents are enclosed here.

The newly appointed Director should submit a Form 700 (marked to indicate Assuming Office), and the resigning Director should submit a Form 700 (marked to indicate Leaving Office), to our office within 30 days. Information and forms are available at the Fair Political Practices Commission website: www.fppc.ca.gov.

After a new board member is appointed, please complete, sign and administer the Oath of Office (enclosed). The elected/appointed official must also sign it. After administering the Oath, please keep the original, give one copy to the new board member, and return one copy to us. Please note that all copies of the Oath need original signatures for your files.

If you have any questions you may contact our office at 530-886-5650.

Sincerely,

Candidate Services
Placer County Elections Office

Enc: Certificate of Appointment and Oath of Office, Education Code 5090-5095, Registry of Public Agencies and Addendum - Elected Officials and Terms of Office



Secretary of State
Registry of Public Agencies
 (Government Code section 53051)

SF-405

IMPORTANT — Read Instructions before completing this form.

There is **No Fee** for a Registry of Public Agencies filing

Copy Fees – First page \$1.00; each attachment page \$0.50;
 Certification Fee - \$5.00

This Space For Office Use Only

1. Type of Filing (Check one.)

- Initial Filing (first Registry of Public Agencies filing for an agency)
 Updated Filing (change to an existing Registry of Public Agencies record)

2. Agency Information

a. Full Legal Name of Public Agency	
b. Nature of Update (complete if Updated Filing)	
c. County	d. Official Mailing Address

3. Chairperson, President, or Other Presiding Officer

a. Name	b. Title
c. Business or Residence Address	

4. Clerk or Secretary

a. Name	b. Title
c. Business or Residence Address	

5. Other Members of the Governing Board (Enter as many as applicable. Attach additional pages for additional members.)

Name	Business or Residence Address
Name	Business or Residence Address
Name	Business or Residence Address
Name	Business or Residence Address
Name	Business or Residence Address

6. Date and Sign Below (Additional members set forth on attached pages, if any, are incorporated herein by reference and made part of this Form SF-405, Registry of Public Agencies.)

_____	_____	_____
Date	Signature	Type or Print Name

Instructions for Completing the Registry of Public Agencies (Form SF-405)

The governing body of a public agency is required, within 70 days after the commencement of the agency's legal existence, to file a specified statement of facts about the agency with the Secretary of State. This information is also required to be updated within 10 days of a change to it.

Fees:

- **Filing Fee:** There is **no fee** for a Registry of Public Agencies filing.

Copies: To obtain copies or certified copies of the filed document, include payment for copy fees and certification fees at the time the document is submitted. Copy fees are \$1.00 for the first page and \$0.50 for each additional page. For certified copies, there is an additional \$5.00 certification fee, per copy.

Payment Type: Check(s) or money orders should be made payable to the Secretary of State. **Do not send cash by mail.** If submitting the document in person in our Sacramento office, payment also may be made by credit card (Visa or Mastercard).

If you are not completing this form online, please **type or legibly print** in black or blue ink. **Complete the Registry of Public Agencies (Form SF-405) as follows:**

Item	Instruction	Tips
1.	You must check the appropriate box (check one).	<ul style="list-style-type: none"> • If this is the first Registry of Public Agencies filing for an agency, check "Initial Filing". • If this is a change to an existing Registry of Public Agencies record, check "Updated Filing".
2a.	Enter the full legal name of the public agency.	
2b.	Indicate the nature of the update if this is an updated filing.	<ul style="list-style-type: none"> • Leave this blank for initial filings. • For updated filings, list information that has changed.
2c.	Enter the county or counties in which the agency operates.	<ul style="list-style-type: none"> • List as many as applicable. If additional space is required, attach additional pages.
2d.	Enter the agency's official mailing address.	<ul style="list-style-type: none"> • The complete address is required, including the street name and number, city, state, and zip code. • P.O. box is acceptable.
3a.	Enter the Chairperson, President, or Other Presiding Officer's name.	
3b.	Enter the Chairperson, President, or Other Presiding Officer's official title.	<ul style="list-style-type: none"> • Include the full official title.
3c.	Enter the Chairperson, President, or Other Presiding Officer's business or residence address.	<ul style="list-style-type: none"> • A complete address is required, including the street name and number, city, state, and zip code.
4a.	Enter the Clerk or Secretary's name.	
4b.	Enter the Clerk or Secretary's official title.	<ul style="list-style-type: none"> • Include the full official title.

4c.	Enter the Clerk or Secretary's business or residence address.	<ul style="list-style-type: none"> • A complete address is required, including the street name and number, city, state, and zip code.
5.	Enter the name and business or residence of any other members of the agency's governing board, if applicable.	<ul style="list-style-type: none"> • A complete address is required, including the street name and number, city, state, and zip code. • Attach additional pages if additional space is required.
6.	Date, sign, and print the name of the individual completing the form.	

Where to File: Completed forms along with the applicable fees, if any can be mailed to Secretary of State, Special Filings Unit, P.O. Box 942870, Sacramento, CA 94277-2870 or delivered in person (drop off) to the Sacramento office, 1500 11th Street, 2nd Floor, Sacramento, CA 95814. This form is filed only in the Sacramento office.

Legal Authority: General statutory filing provisions are found in Section [53051](#). All statutory references are to the California Government Code, unless otherwise stated.

Addendum - Elected Officials and Terms of Office

District Name:

District
Address:

Mailing
Address:

Designated
Contact:

Superintendent/
General Manager:

Title:

Phone:

Phone:

Email:

Email:

Board Member and Contact Info	Elected/ Appointed	Term Start Date		Term End Date
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<p><i>Name:</i></p> <p><i>Address:</i></p> <p><i>Phone:</i></p> <p><i>Email:</i></p>			TO	
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If applicable, what board member did this person replace:
Date of Vacancy:

<p><i>Name:</i></p> <p><i>Address:</i></p> <p><i>Phone:</i></p> <p><i>Email:</i></p>			TO	
--	--	--	----	--

If applicable, what board member did this person replace:
Date of Vacancy:

<p><i>Name:</i></p> <p><i>Address:</i></p> <p><i>Phone:</i></p> <p><i>Email:</i></p>			TO	
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If applicable, what board member did this person replace:
Date of Vacancy:

<p><i>Name:</i></p> <p><i>Address:</i></p> <p><i>Phone:</i></p> <p><i>Email:</i></p>			TO	
--	--	--	----	--

If applicable, what board member did this person replace:
Date of Vacancy:

<p><i>Name:</i></p> <p><i>Address:</i></p> <p><i>Phone:</i></p> <p><i>Email:</i></p>			TO	
--	--	--	----	--

If applicable, what board member did this person replace:
Date of Vacancy:

OATH OF OFFICE
FOR PUBLIC OFFICERS AND EMPLOYEES
(State Constitution, Art. XX, Sec. 3 as amended)

STATE OF CALIFORNIA }

} ss.

COUNTY OF PLACER }

I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

(Duties upon which affiant is about to enter)

(Signature of affiant)

Subscribed and sworn to before me this _____ day of _____, 20_____.

(Signature of person administering oath)

(Typed or printed name of person administering oath)

(Title)

EDUCATION CODE - EDC

TITLE 1 GENERAL EDUCATION CODE PROVISIONS [1. - 32527] (Title 1 enacted by Stats. 1976, Ch. 1010.)

DIVISION 1 GENERAL EDUCATION CODE PROVISIONS [1. - 32527] (Division 1 enacted by Stats. 1976, Ch. 1010.)

PART 4. ELECTIONS [5000 - 5442] (Part 4 enacted by Stats. 1976, Ch. 1010.)

CHAPTER 1. Election of School District Board Members [5000 - 5095] (Chapter 1 enacted by Stats. 1976, Ch. 1010.)

ARTICLE 3. Vacancies [5090 - 5095] (Article 3 enacted by Stats. 1976, Ch. 1010.)

5090. Vacancies on school district governing boards or community college district boards are caused by any of the events specified in Section 1770 of the Government Code, or by a failure to elect. A vacancy resulting from resignation occurs when the written resignation is filed with the county superintendent of schools having jurisdiction over the district, except where a deferred effective date is specified in the resignation so filed, in which case the resignation shall become effective on that date. A written resignation, whether specifying a deferred effective date or otherwise, shall, upon being filed with the county superintendent of schools be irrevocable.

(Enacted by Stats. 1976, Ch. 1010.)

5091. (a) (1) If a vacancy occurs, or if a resignation has been filed with the county superintendent of schools containing a deferred effective date, the school district or community college district governing board shall, within 60 days of the vacancy or the filing of the deferred resignation, either order an election or make a provisional appointment to fill the vacancy. A governing board member may not defer the effective date of the member's resignation for more than 60 days after the member files the resignation with the county superintendent of schools.

(2) In the event that a governing board fails to make a provisional appointment or order an election within the prescribed 60-day period as required by this section, the county superintendent of schools shall order an election to fill the vacancy.

(b) When an election is ordered, it shall be held on the next established election date provided pursuant to Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code not less than 130 days after the order of the election.

(c) (1) If a provisional appointment is made within the 60-day period, the registered voters of the district may, within 30 days from the date of the appointment, petition for the conduct of a special election to fill the vacancy. A petition shall be deemed to bear a sufficient number of signatures if signed by at least the number of registered voters of the district equal to $1\frac{1}{2}$ percent of the number of registered voters of the district at the time of the last regular election for governing board members, or 25 registered voters, whichever is greater. However, in districts with less than 2,000 registered voters, a petition shall be deemed to bear a sufficient number of signatures if signed by at least 5 percent of the number of registered voters of the district at the time of the last regular election for governing board members.

(2) (A) The petition shall be submitted to the county superintendent of schools having jurisdiction who shall have 30 days to verify the signatures. If the petition is determined to be legally sufficient by the county superintendent of schools, the provisional appointment is terminated, and the county superintendent of schools shall order a special election to be conducted not less than 88, nor more than 125, days following the order of the election.

(B) Notwithstanding subparagraph (A), the election may be conducted within 180 days after the issuance of the order so that the election may be consolidated with a regularly scheduled election.

(3) For purposes of this section, "registered voters" means the following:

(A) If the district uses the at-large method of election, as defined in subdivision (a) of Section 14026 of the Elections Code, registered voters of the entire school district or community college district.

(B) If the district uses district-based elections, as defined in subdivision (b) of Section 14026 of the Elections Code, registered voters of the election district.

(d) A provisional appointment made pursuant to subdivision (a) confers all powers and duties of a governing board member upon the appointee immediately following that appointment.

(e) A person appointed to fill a vacancy shall hold office only until the next regularly scheduled election for district governing board members that is scheduled 130 or more days after the effective date of the vacancy, whereupon an election shall be held to fill the vacancy for the remainder of the unexpired term. A person elected at an election to fill the vacancy shall hold office for the remainder of the term in which the vacancy occurs or will occur.

(f) (1) If a petition calling for a special election is circulated, the petition shall meet all of the following requirements:

(A) The petition shall contain the election official's estimate of the cost of conducting the special election and those estimated costs expressed on a per-pupil or per-student basis.

(B) The name and residence address of at least one, but not more than five, of the proponents of the petition shall appear on the petition, each of which proponents shall be a registered voter of the school district or community college district, as applicable.

(C) None of the text or other language of the petition shall appear in less than six-point type.

(D) The petition shall be prepared and circulated in conformity with Sections 100 and 104 of the Elections Code.

(2) If any of the requirements of this subdivision are not met as to any petition calling for a special election, the county superintendent of schools shall not verify the signatures, nor shall any further action be taken with respect to the petition.

(3) No person shall permit the list of names on petitions prescribed by this section to be used for any purpose other than qualification of the petition for the purpose of holding an election pursuant to this section.

(4) The petition filed with the county superintendent of schools shall be subject to the restrictions in Article 2 (commencing with Section 7924.100) of Chapter 2 of Part 5 of Division 10 of Title 1 of the Government Code.

(g) Elections held pursuant to subdivisions (b) and (c) shall be conducted in as nearly the same manner as practicable as other governing board member elections.

(Amended (as amended by Stats. 2021, Ch. 615, Sec. 60) by Stats. 2022, Ch. 831, Sec. 1. (SB 1061) Effective January 1, 2023.)

5092. (a) If a provisional appointment is made to the governing board of a school district to fill a vacancy that occurs or will occur pursuant to Section 5091, the board shall, within 10 days of the provisional appointment, provide notice of both the actual vacancy or the filing of a deferred resignation and also the provisional appointment by all of the following methods:

(1) Posting the notice in three public places in the school district.

(2) Publishing the notice pursuant to Section 6061 of the Government Code. If there is no newspaper of general circulation published in the district, notice need not be published.

(3) Posting the notice on the school district's internet website.

(b) The notice shall state all of the following:

(1) The fact of the vacancy or resignation.

(2) The date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation.

(3) The full name of the provisional appointee to the board and the date of the provisional appointee's appointment.

(4) That unless a petition calling for a special election, containing a sufficient number of signatures, is filed in the office of county superintendent of schools within 30 days of the date of the provisional appointment, it shall become an effective appointment.

(Amended by Stats. 2023, Ch. 68, Sec. 1. (AB 1326) Effective January 1, 2024.)

5093. (a) There shall be no special election or appointment to fill a vacancy on a governing board if the vacancy occurs within four months of the end of the term of that position.

(b) Section 5091 shall not apply to a vacancy on a governing board if the vacancy occurs, or a resignation specifying a deferred effective date is filed with the county superintendent of schools, during the period between six months and 130 days prior to a regularly scheduled governing board election and the position is not scheduled to be filled at such election. In such a case, the position shall be filled at a special election for that position to be consolidated with the regular election. A person elected to fill a position under this subdivision shall take office at the next regularly scheduled meeting of the governing board following the certification of the election and shall serve only until the end of the term of the position which he or she was elected to fill.

(c) If a special election pursuant to Section 5091 could be consolidated with the next regular election for governing board members, and the vacant position is scheduled to be filled at such regular election, there shall be no special election.

(Amended by Stats. 1984, Ch. 32, Sec. 2.)

5094. If for any reason vacancies should occur in a majority of the offices on any school district or community college district governing board, the president of the county board of education having jurisdiction may appoint members of the county board of education to the district governing board until new members of the governing board are elected or appointed.

(Enacted by Stats. 1976, Ch. 1010.)

5095. Whenever any of the offices on any school district governing board or community college district governing board is vacant, the remaining governing board member or members, if any, and any governing board member or members elected or appointed to fill the vacancies, who have qualified, shall have all the powers and perform all the duties of the governing board.

(Enacted by Stats. 1976, Ch. 1010.)