

# GOV1.3 - Board Members: Vacancies and Removal from Office

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## G - Government

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### BOARD MEMBER RESIGNATION

#### Local Policy

A Board member who wishes to resign from the Governing Board must submit a formal letter of resignation to the office of the County School Superintendent, with a copy to the Secretary of State. The letter must include the effective date of the resignation. The resigning Board member is required to provide a copy of the resignation letter to each member of the Board and the Superintendent before the resignation becomes effective.

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### LEGAL REFERENCES

- **A.R.S. 15-302**
- **A.R.S. 38-101**
- **A.R.S. 38-291**
- **A.R.S. 38-294**

### Board Member Removal from Office

#### (Description)

A Board member's position may be considered vacant, or the Board member may be removed from office for reasons outlined in A.R.S. 38-291. These include:

- **A.** Death of the person holding the office.
- **B.** Insanity of the person holding the office, when judicially determined.
- **C.** Resignation of the person holding the office and the lawful acceptance of the resignation.
- **D.** Removal from office of the person holding the office.
- **E.** Ceasing to be a resident of the district for which the person was elected.
- **F.** Absence from the state by the person holding the office, without permission of the legislature, beyond three (3) consecutive months.
- **G.** Failure to discharge the duties of office for three (3) consecutive months.
- **H.** Conviction of a felony or an offense involving a violation of official duties.
- **I.** Failure to file an official oath within the time prescribed by law.
- **J.** A decision of a competent tribunal declaring void the election or appointment to the office.
- **K.** Failure of a person to be elected or appointed to the office.
- **L.** Violation of A.R.S. 38-296 by the person holding the office.

Additionally, any public officer holding an elective office is subject to recall by the qualified electors of the electoral district from which the officeholder was elected.

### LEGAL

#### A.R.S.

- 19-201
- 19-202
- 19-202.01
- 19-209
- 19-216
- 38-291
- 38-296
- 38-431.07

## **Unexpired Term Fulfillment**

### **(Description)**

Any vacancy of a Governing Board member, as defined in A.R.S. 38-291, may be filled by appointment by the County School Superintendent, as prescribed by state law. The appointed individual will serve until the next regular election, at which time a successor will be elected to serve the remainder of the unexpired term. Alternatively, the County School Superintendent may call for an election to fill the vacancy.

When a vacancy occurs, the Governing Board may submit up to three (3) names for consideration to the County School Superintendent within thirty (30) days after receiving notification of the vacancy. However, the County School Superintendent is not obligated to appoint a Governing Board member from the submitted list.

### **LEGAL**

A.R.S.

- 15-302
- 38-291