

SENATE BILL NO. 2216

Introduced by

Senators Schaible, Luick, Marcellais

Representatives Brandenburg, Rust, Sanford

1 A BILL for an Act to amend and reenact section 15.1-09-05 of the North Dakota Century Code,
2 relating to causes of vacancy for school board positions.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 15.1-09-05 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **15.1-09-05. School board - Vacancies - Appointments.**

- 7 1. The business manager of a school district shall notify the county superintendent that a
8 vacancy exists on the school board.
- 9 2. The board of a school district shall fill by appointment or special election any vacant
10 seat on the board. The term of an individual selected by appointment or special
11 election to fill a vacancy extends until a successor is elected and qualified at the next
12 annual election. If a school board fails to fill a vacancy by appointment or fails to call a
13 special election to fill a vacancy within sixty days from the time the vacancy occurred,
14 the county superintendent shall call a special election to fill the vacancy. The election
15 must be conducted in the same manner as the annual school district election.
- 16 3. If a vacancy reduces the membership of a school board to less than a quorum, the
17 state board of public school education shall appoint to the school board as many
18 individuals as necessary to achieve a quorum. The school board then shall fill the
19 remaining vacancies. After the vacancies have been filled, any individual appointed by
20 the state board shall resign and the school board shall fill the vacancy in accordance
21 with this section. After resigning, the individual who had been appointed by the state
22 board may be reappointed by the school board to fill the vacancy.
- 23 4. ~~The causes for which a~~ vacancy may be declared include ~~a member's death, refusal~~
24 ~~to serve, failure to qualify for the office, resignation, removal from office by a court of~~

Sixty-third
Legislative Assembly

- 1 ~~competent jurisdiction, and relocation to a residence outside the school district~~for any
2 reason set forth in section 44-02-01.
- 3 5. The business manager shall certify any appointment made under this section to the
4 county superintendent of schools.