

RESOLUTION NO. 31, 2020-21

A RESOLUTION OF THE BOARD OF EDUCATION OF THE ELK GROVE UNIFIED SCHOOL DISTRICT ORDERING AN ELECTION TO FILL THE BOARD VACANCY

WHEREAS, Trustee Bobbie Singh-Allen, Trustee Area Four, was recently elected to the position of Mayor to the City of Elk Grove;

WHEREAS, pursuant to Education Code section 5090, Government Code sections 1770 and 1099, and Board Bylaw 9223, a vacancy is created when a sitting trustee accedes to a second public office;

WHEREAS, Education Code section 5091 and Board Bylaw 9223 provide that when a vacancy occurs on the Board, the Board may make a provisional appointment or order an election to fill the vacancy within 60 days;

WHEREAS, if the Board chooses to order an election, the election must be held on the next established election date that is not less than 130 days after the Board orders the election; (Ed. Code, § 5091, subd. (b))

WHEREAS, the next established election date that is not less than 130 days after the Board orders the election is November 2, 2021; and

WHEREAS, the Sacramento County Registrar's office has estimated that a special election will cost the District between \$2 million and \$4 million dollars;

WHEREAS, the Board has determined that is in the best interests of the District to order an election to fill the vacancy.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Elk Grove Unified School District does hereby resolve, determine and order as follows:

1. The Board hereby orders an election to fill the seat vacated by Trustee Bobbie Singh-Allen.
2. The election shall be held on the next established election date provided pursuant to Elections Code section 1000 et seq., not less than 130 days after the order of the election.
3. Education Code section 5322 provides that whenever an election for governing board members is ordered, the governing board shall, by resolution, provide for specifications of the election order which may be delivered to the county superintendent of schools and the officer conducting the election after the order of election is delivered, but not less than 123 days prior to the date set for the election. The Board hereby directs the Superintendent or his designee to prepare a resolution providing for specifications of the election order pursuant to 5322, for Board approval at a later meeting.

4. The Superintendent or his designee is delegated the authority to take such additional action as may be required to carry out the purpose of this Resolution.

The foregoing Resolution was PASSED and ADOPTED at a regular meeting of the Board of Education of the ELK GROVE UNIFIED SCHOOL DISTRICT on the 15th day of December, 2020 by the following vote:

AYES: _____
NOES: _____
ABSENT: _____
ABSTAIN: _____

Dated: December 15, 2020

Beth Albiani
President, Board of Education

Christopher R. Hoffman,
Superintendent/Secretary to the Board of Education
Elk Grove Unified School District

Special Election Proposed Timeline

If the Elk Grove Unified School District Board chooses to order an election to fill its vacancy, the election must be held on the “next established election date” that is “not less than 130 days after the Board orders the election.” (Ed. Code, § 5091, subd. (b).) Therefore, if the Board orders an election on December 15, 2020, the election will not be held until November 2, 2021. (130 days from December 15, 2020 is April 24, 2021. According to Elections Code section 1000, the next established election date after April 24, 2021 is the first Tuesday after the first Monday in November, which is November 2, 2021.)

Per your request, below are the most relevant deadlines leading up to a November 2, 2021 election:

1. **No later than July 2, 2021. District Board Adopts Specifications of Election.** District Board must adopt a resolution detailing the specifications that will govern the upcoming election. The specifications must identify the date and purpose of the election, and must be adopted at least 123 days prior to the date of the election. (Ed. Code, § 5322.)
2. **By July 5, 2021. County Superintendent Delivers Order of Election.** County superintendent of schools must deliver to county elections official an order of election and formal notice of election at least 120 days prior to the election. (Ed. Code, § 5324.)
3. **August 11, 2021. Deadline for the County Registrar to Determine if Sufficient Number of Candidates to Hold Election.** If there are not at least 2 candidates for the Board by 5 pm on the 83rd day prior to the election, the election is not held (Ed. Code, § 5326.)
4. **November 2, 2021. Election Date.** (Ed. Code, § 5091(b); Elec. Code, § 1000.)