

<p>PRESTON COUNTY BOARD OF EDUCATION</p> <p>FILE: 1 – SCHOOL BOARD BYLAWS AND ORGANIZATION</p> <p>File: 1-3 Election of Board Members, Term of Office, Resignations, Vacancies and Oath of Office</p>	<p>Last Reviewed: 8-9-10</p> <p>Next Review: 7-1-12</p>
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Members of the Board are elected at large from the entire county without reference to political party affiliation. They are elected for four-year terms at the spring primary election and they take office on the first day of July following their election.

R 1-3-1 Declaring Candidacy

Persons who are eligible to hold office as a member of the Board of Education may file a certificate with the Clerk of the Circuit Court of the county, declaring candidacy for office. On the certificate, the candidate affirms s/he is a candidate for office, is a legally qualified voter of Preston County, is eligible to hold office, and is a candidate in good faith. The certificate of announcement shall be filed no earlier than the second Monday in January preceding the primary election day, and not later than the last Saturday in January preceding the primary election day, and must be received before midnight, eastern standard time, of that day, or if mailed, shall be postmarked by the United States postal service before that hour.
(WVC §18-5-1b; §3-5-6 and §3-5-7)

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R 1-3-2 Eligibility and Qualification Standards for Board Members

The eligibility and qualification standards for membership on a school board are set forth in §18-5-1a. A person who is a member of a county board:

- ❖ Shall be a citizen and resident in the county in which s/he serves on the county board. Also, a person who is a candidate for membership on a county board or who is a member-elect of a county board shall be a citizen and resident in the county in which he or she seeks to serve on the county board;
- ❖ May not be employed by the county board on which s/he serves, including employment as a teacher or service person;
- ❖ May not engage in the following political activities:
 - Become a candidate for or hold any other public office, other than to succeed him or herself as a member of a county board subject to the following:
 - A candidate for a county board, who is not currently serving on a county board, may hold another public office while a candidate if s/he resigns from the other public office prior to taking the oath of office as a county board member.
 - The term "public office" as used in this section does not include service on any other board, elected or appointed, profit or nonprofit, under the following conditions: The person does not receive compensation and the primary scope of the board is not related to public schools.

- Become a candidate for, or serve as, an elected member of any political party executive committee;
- Become a candidate for, or serve as, a delegate, alternate or proxy to a national political party convention;
- Solicit or receive political contributions to support the election of, or to retire the campaign debt of, any candidate for partisan office;
- ❖ May engage in any or all of the following political activities:
 - Make campaign contributions to partisan or bipartisan candidates;
 - Attend political fund raisers for partisan or bipartisan candidates;
 - Serve as an unpaid volunteer on a partisan campaign;
 - Politically endorse any candidate in a partisan or bipartisan election; or
 - Attend a county, state or national political party convention.

To be eligible for election or appointment as a member of a county board a person shall possess at least a high school diploma or a general educational development (GED) diploma. This provision does not apply to members or members-elect who have taken office prior to May 5, 1992, and who serve continuously from that date forward.

Every Board member shall take the oath prescribed by Article IV, Section 5, of the Constitution, before performing any of the duties of his office. The oath shall be filed with the Secretary of the Board.

No more than two members may be elected from the same magisterial district. If any magisterial district has one holdover member, only one member may be elected from that district. In Board elections, those persons receiving the highest number of votes district-wide shall be elected. However, if the candidates receiving the most votes would result in a magisterial district being represented by more than two board members, only the person having the highest vote total, who does not make the aggregate number of board members from that magisterial district more than two, shall be declared elected. **(WVC §3-5-6; §18-5-1; §18-5-1a and §18-5-1b)**

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R 1-3-3 Resignation or Removal

A member of the Board of Education may resign from the Board for any reason. A letter directed to the President of the Board should be submitted as early as possible. The Board shall have the authority to act upon this letter.

A member of the Board of Education shall be removed from office upon conviction of bribery or a felony, as defined in WVC §61-5A-3. A member of the Board of Education may be removed from office for official misconduct, incompetence, neglect of duty, or gross immorality. **(WV Con IV, 6 and WVC §61-5A-2, 3, 9)**

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R 1-3-4 Filling Vacancies

Vacancies may occur on the Board of Education due to death, resignation, removal, or failure of a Board Member to meet the eligibility terms as defined in *R 1-3-2 Qualifications of Board Members*. Vacancies shall be filled by appointment by the Board of Education within 45 days of any vacancy that occurs in its membership. In the event the Board does not act within 45 days, the State Superintendent of schools shall appoint a person to fill the vacancy. Vacancies are filled in the following manner:

- ❖ If a vacancy occurs after the 84th day before a general election, and the unexpired term of office ends on June 30 following the next primary election, the appointee shall continue in office until the completion of the term.
- ❖ If a vacancy occurs after the 84th day before a general election, but prior to the close of candidate filing for the next primary election, and the unexpired term does not end on June 30 following the next primary election, an election for the unexpired term shall be held at the next primary election. The appointee to the unexpired term shall serve until June 30 following the primary election, and the duly elected candidate shall take office on July 1 and continue to serve until the expiration of the original term of office.
- ❖ Vacancies that occur after the close of candidate filing for the primary election, but not later than 84 days before the general election, shall be filled in the general election. The appointee shall serve until a successor is elected and certified.

The person with the highest number of votes may be declared elected to an unexpired term not withstanding the fact that the person's magisterial district has two representatives serving on the Board at the time of election. However, such election is valid only if the number of representatives from that magisterial district will be less than two as of the first day of July following the primary.
(WVC §3-5-6 and §18-5-2)

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Adopted: January 24, 1983
Amended/Revised: August 9, 1999; August 9, 2010