

Date of Hearing: January 7, 2026

ASSEMBLY COMMITTEE ON EDUCATION

Al Muratsuchi, Chair

AB 1493 (Ávila Farías) – As Amended January 5, 2026

SUBJECT: School district and community college district governing boards: vacancy elections

SUMMARY: Requires, if a vacancy or resignation occurs on the governing board of a school or community college district and the governing board either fails to make a provisional appointment or call a special election, the county superintendent of schools to order a special election to be consolidated with the next regularly scheduled election if that election is not fewer than 88 days following the order of the election, rather than a special election be conducted not less than 88, nor more than 125, days following the order of the election. Specifically, **this bill**:

- 1) Requires, if a vacancy or resignation occurs on the governing board of a school or community college district and the governing board either fails to make a provisional appointment or call a special election, the county superintendent of schools to order a special election to be consolidated with the next regularly scheduled election if that election is not fewer than 88 days following the order of the election.
- 2) Authorizes the provisional appointee to remain in office until the special election result is certified.

EXISTING LAW:

- 1) Requires, if a vacancy occurs, or if a resignation has been filed with the county superintendent of schools containing a deferred effective date on the governing board of a school or community college district, the school district or community college district governing board to, 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. (Education Code (EC) 5091)
- 2) Requires, 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, the county superintendent of schools to order an election to fill the vacancy. (EC 5091)
- 3) Requires, when an election is ordered, it to be held on the next established election date provided not less than 130 days after the order of the election, as specified. (EC 5091)
- 4) Authorizes, if a provisional appointment is made within the 60-day period, the registered voters of the district to, 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 1½% 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. Requires, in districts with less than 2,000 registered voters, a petition to be deemed to bear a

sufficient number of signatures if signed by at least 5% of the number of registered voters of the district at the time of the last regular election for governing board members. (EC 5091)

- 5) Requires the petition to be submitted to the county superintendent of schools having jurisdiction to have 30 days to verify the signatures. Requires, if the petition is determined to be legally sufficient by the county superintendent of schools, the provisional appointment is to be terminated, and the county superintendent of schools to order a special election to be conducted not less than 88, nor more than 125, days following the order of the election.
 - a) Authorizes the election to be conducted within 180 days after the issuance of the order so that the election may be consolidated with a regularly scheduled election. (EC 5091)
- 6) Defines “registered voters” to mean:
 - a) If the district uses the at-large method of election, as defined, registered voters of the entire school district or community college district; or
 - b) If the district uses district-based elections, as defined, registered voters of the election district. (EC 5091)
- 7) Requires a provisional appointment to confer all powers and duties of a governing board member upon the appointee immediately following that appointment. (EC 5091)
- 8) Requires a person appointed to fill a vacancy to 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, at which point requires an election to be held to fill the vacancy for the remainder of the unexpired term. Requires a person elected at an election to fill the vacancy to hold office for the remainder of the term in which the vacancy occurs or will occur. (EC 5091)
- 9) Provides that established election dates are the following:
 - a) The first Tuesday after the first Monday in March of each even-numbered year that is evenly divisible by four;
 - b) The first Tuesday after the first Monday in March of each odd-numbered year;
 - c) The second Tuesday of April in each even-numbered year;
 - d) The first Tuesday after the first Monday in June in each even-numbered year that is not evenly divisible by four; and
 - e) The first Tuesday after the first Monday in November of each year. (Elections Code 1000)

FISCAL EFFECT: Unknown

COMMENTS:

Need for the bill. According to the author, “Special elections historically have very low and unrepresentative turnout, such that the results often do not reflect the true will of the larger electorate. In addition, special elections are costly, diverting scarce resources away from educational activities. AB 1493 will consolidate any election to replace a school district or community college district appointee with the next primary or general election to better support the true will of voters. This also saves school districts money on elections costs that can be better utilized in the classroom. By maintaining the appointee in place until the election, the ability of a district to conduct business in the interim is assured.”

Provisional appointment and special election timeline. Typically, when a vacancy occurs on a school district or community college district governing board, current law permits the governing board to immediately order an election to fill the vacancy or to make a provisional appointment. When the election is ordered, it is required to be held on the next established election date, pursuant to current Elections Code Section 1000, not fewer than 130 days after the order of the election.

If the governing board chooses to appoint an individual to the vacant position, current law provides registered voters of the jurisdiction with an opportunity to contest the appointment by collecting signatures on a petition calling for a special election to fill the vacancy. If the petition contains the required number of signatures, a special election is required to be held not less than 88, nor more than 125, days following the order of the election. Further, if enough signatures are collected, the provisional appointment is terminated. The special election may be conducted within 180 days after the issuance of the order of the provisional appointment by the governing board, so that the special election may be consolidated with a regularly scheduled election.

This bill would require, if a voter petition is filed and certified to challenge a vacancy, that a special election be consolidated with the next regular scheduled election if that election is scheduled not fewer than 88 days following the order of the election. This bill further authorizes the provision appointee to remain in office until the special election result is certified.

In general, requiring a special election to be consolidated with a regularly scheduled state or local election could significantly reduce the costs of conducting the election, and reduce the risk of a special election that has lower or less representative voter participation.

Related legislation. SB 1061 (Laird), Chapter 831, Statutes of 2022, changes the components of the petition for signatures and the election’s timing for when a school district or community college district governing board makes a provisional appointment to fill a vacancy and the voters of the district challenge that appointment, as specified.

AB 2584 (Berman), Chapter 791, Statutes of 2022, requires an election to be held with the first regularly scheduled state or local election occurring no less than 88 days after the issuance of the order for a recall election. Provides that 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.

SB 1170 (Cortese) of the 2021-22 Session would have changed the petition signature requirements when voters want to challenge a school board or a community college district’s appointment to fill a vacancy and requires the signatures of 10% of registered voters in districts with less than 10,000 registered voters, 5% of registered voters in districts with between 10,000

and 50,000 registered voters, and 2.5% of registered voters in districts with more than 50,000 registered voters, as specified. This bill was held in the Senate Education Committee.

AB 2195 (Ashburn) of the 1999-00 Session would have required, in school districts or community college districts with registered voters of less than 30,000 persons, a petition for a special election to challenge a provisional appointment to fill a vacancy be signed by at least 5% of the number of registered voters of the district at the time of the last regular election for governing board members. This bill was held by the Assembly Education Committee.

REGISTERED SUPPORT / OPPOSITION:**Support**

None on file

Opposition

None on file

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