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Snippet #104
Filling Vacancies

A vacancy occurs when someone ceases to hold an elected or appointed position. This might be caused by death, resignation, removal, becoming ineligible, or some other circumstance. It's important to remember that while the occupants of the position might change, the term of office remains constant. The vacancy is always filled for the remainder of the original term. An opening that occurs before the term starts is not a vacancy; it is an incomplete election, and the process is the same as for the original election.

Staggered terms, term length, and term limits all have an effect on how vacancies are filled. Some associations, placing a high priority on institutional memory and culture, provide in the bylaws for staggered terms of office, in which some board members are elected each year while others continue in office. In such cases, percentage of the turnover determines the length of the term. For example, if half of the board is to be elected each year, then the term will be two years, and if one third of the board is to be elected each year, the term will be three years.

Term length is also a consideration. A vacancy may be filled for the remainder of the term, no matter how long. However, for terms greater than one year, a vacancy might be filled until the next election cycle, at which time the person elected serves the remainder of the partial term.

A third factor is term limits. This limitation can take many forms; there might be a limit on consecutive terms or on the total number of years of service. The bylaws must be clear on the limitation being imposed, as this will affect the eligibility criteria for that office. *Robert's Rules of Order Newly Revised* states that service for more than half of a term is counted as a full term.

Some associations begin and end their terms on the same calendar date each year, such as July 1, making it easy to calculate a half term. It is also common for terms of office to begin at the close of the annual meeting.

For example, assume that the association has four year staggered terms, and that the bylaws state that vacancies are filled by the board until the next election cycle. Member A is elected in year 1 and resigns in year 2. Member B is elected by the board to fill the vacancy until the next election. During that election, Member C is elected by the membership and Member B no longer serves. When the original term of Member A (that Member C is now filling) expires, an election will be held as usual for the new four year term.

