

# School District, Township or Borough Elected Member Vacancy

## Issue:

Can a School District, Township, or Borough fill a vacancy on an elected Board by conducting interviews with prospective interested citizens in private or in an executive session?

## Answer:

Section 708(a)(1) of the Sunshine Act specifies that agencies may not use executive sessions for the purpose of appointing or selecting any person to fill a vacancy in any elected office. Thus, any such action, whether a quorum exists or not, must take place in a public forum. The Sunshine Act would apply to filling an elected vacancy.

Specifically, Section 708 of the Sunshine Act permits "Executive Sessions" whereby a Board can exclude the public. However, the Executive Session provision also states: "The provisions of this paragraph shall not apply to any meeting involving the appointment or selections of any person to fill a vacancy in any elected office."

*Counsel to Local Governments  
and Community Leaders*

**Kozloff Stoudt  
Attorneys**