



GUIDE TO FILLING A VACANCY IN AN ELECTIVE OFFICE

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ELECTIONS DIVISION

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This guide was developed in an effort to provide answers to questions frequently asked to the Kern County Elections Office concerning filling vacancies. It is for general information only and does not have the force and effect of law, regulation, or rule. In case of conflict, the law, regulation, and rule will apply. Persons using this guide must bear full responsibility to make their own determinations as to all legal standards and duties.

For information on vacancies for city offices, please contact the appropriate city clerk.

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VACANCY DEFINITION

An office becomes vacant on the happening of any of the following events before the expiration of the term:

- (a) The death of the incumbent.
- (b) An adjudication pursuant to a quo warrant proceeding declaring that the incumbent is physically or mentally incapacitated due to disease, illness, or accident, and that there is reasonable cause to believe that the incumbent will not be able to perform the duties of his or her office for the remainder of his or her term. This subdivision shall not apply to offices created by the California Constitution nor to federal or state legislators.
- (c) (1) His or her resignation, except as provided in paragraph (2).
(2) In the case of the office of city council member, upon the delivery of a letter of resignation by the resigning council member to the city clerk. The letter of resignation may specify a date on which the resignation will become effective.
- (d) His or her removal from office.
- (e) His or her ceasing to be an inhabitant of the state, or if the office be local and one for which local residence is required by law, of the district, county, or city for which the officer was chosen or appointed, or within which the duties of his or her office are required to be discharged.
- (f) His or her absence from the state without the permission required by law beyond the period allowed by law.
- (g) His or her ceasing to discharge the duties of his or her office for the period of three consecutive months, except when prevented by sickness, or when absent from the state with the permission required by law.
- (h) His or her conviction of a felony or of any offense involving a violation of his or her official duties. An officer shall be deemed to have been convicted under this subdivision when trial court judgment is entered. For purposes of this subdivision, "trial court judgment" means a judgment by the trial court either sentencing the officer or otherwise upholding and implementing the plea, verdict, or finding.
- (i) His or her refusal or neglect to file his or her required oath or bond within the time prescribed.
- (j) The decision of a competent tribunal declaring void his or her election or appointment.
- (k) The making of an order vacating his or her office or declaring the office vacant when the officer fails to furnish an additional or supplemental bond.
- (l) His or her commitment to a hospital or sanitarium by a court of competent jurisdiction as a drug addict, dipsomaniac, inebriate, or stimulant addict; but in that event the office shall not be deemed vacant until the order of commitment has become final.
- (m) (1) The incumbent is listed in the Excluded Parties List System and all of the following subparagraphs apply:
 - (A) The office is one that the incumbent holds ex officio, by virtue of holding another office, or as an appointee.
 - (B) The appointed or ex officio office is on the governing board of a local agency that is, or may reasonably be expected to be, a participant or principal in a covered transaction, pursuant to federal law.
 - (C) A federal agency head or designee has not granted the incumbent an exception, in writing, permitting the incumbent to participate in a particular covered transaction in which the local agency is, or may reasonably be expected to be, a participant or principal.

Government Code §1770

OATH OF OFFICE FOR ALL DISTRICTS

OATH OF OFFICE

The Oath of Office may be administered by Kern County Elections Division or by any other officer qualified to administer oaths, or by a Notary Public. The original Certificate of Election is to be retained by the seated member. The Certificate of Election and the Oath of Office is to be returned to the Kern County Elections Department when the oath has been administered and the form completed, prior to the first meeting of your newly elected Board Members.

Within 30 days after notice of election or appointment each member of the board shall qualify by taking the official oath of office and filing it with the clerk of the principal county.

Unless otherwise provided, following any election or appointment and before any officer enters on the duties of his or her office, he or she shall take and subscribe the oath or affirmation set forth in § 3 of Article XX of the Constitution of California.

Government Code §1360

Unless otherwise provided, every oath of office certified by the officer before whom it was taken shall be filed within the time required as follows:

- (1) The oath of all officers whose authority is not limited to any particular county, in the office of the Secretary of State.
 - (2) The oath of all officers elected or appointed for any county, and, except as provided in paragraph (4), of all officers whose duties are local, or whose residence in any particular county is prescribed by law, in the office of the county clerk of their respective counties.
 - (3) Each judge of a superior court, the county clerk, the clerk of the court, the executive officer or court administrator of the superior court, and the recorder shall file a copy of that person's official oath, signed with that person's own proper signature, in the office of the Secretary of State as soon as that person has taken and subscribed the oath.
 - (4) The oath of all officers for any independent special district, as defined in §56044, in the office of the clerk or secretary of that district.
- (c) (1) In its discretion, the board of supervisors of a county may require every elected or appointed officer or department head of that county who legally changes their name, delegated authority, or department, within 10 days from the date of the change, to file a new oath of office in the same manner as the original filing. The county may maintain a record of each person so required to file a new oath of office indicating whether or not the person has complied. Any record maintained pursuant to this paragraph is a public record subject to disclosure under the California Public Records Act (Division 10 (commencing with §7920.000)).
- (d) Every oath of office filed pursuant to this § with the Secretary of State shall include the expiration date of the officer's term of office, if any. In the case of an oath of office for an appointed officer, if there is no expiration date set forth in the oath, or the officer leaves office before the expiration date, the appointing authority shall report in writing to the Secretary of State the officer's date of departure from office.
- (e) The powers of an appointed officer of a county are no longer granted upon the officer's departure from office. In its discretion, the board of supervisors of a county may require the appointing authority to rescind these powers in writing by filing a revocation in the same manner as the oath of office was filed.

Government Code §1363

RESIGNATION REGULATIONS FOR ALL DISTRICTS

RESIGNATION

The removal of residence by an elected or appointed member of a district committee from the Assembly district or supervisorial district from which he or she has been elected or appointed a member of that committee shall constitute his or her automatic resignation from that committee.

California Elections Code §7468

In the event of the appointment or election to a district committee of an ineligible person, or whenever any member of the committee dies, resigns or becomes incapacitated to act, is removed from office, or removes from the jurisdiction of the district committee, or ceases to be a member of this party, a vacancy exists which shall be filled by appointment by the district committee in which the ineligibility or vacancy occurs.

California Elections Code §7466

Any member of a district committee who misses more than three consecutive regularly called meetings of the county central committee may be removed by a vote of that district committee concerned, unless his or her absence is caused by illness or temporary absence from the county on the date of the meeting.

California Elections Code §7467

Whenever any person is appointed to fill a vacancy on a district committee, the district committee shall notify within 10 days the chairperson of the county central committee who shall file a notice of the appointment with the election's official within 30 days after it is made. The notices shall contain the name and address of the person appointed and the name of the person replaced and shall indicate the date of the appointment.

California Elections Code §7470

A committee may remove any member, other than an ex officio member, who during his or her term of membership affiliates with, or registers as a member of another party, who publicly advocates that the voters should not vote for the nominee of this party for any office, or who gives support or avows a preference for a candidate of another party or candidate who is opposed to a candidate nominated by this party.

California Elections Code §7413

Whenever any person is appointed to fill a vacancy on a committee, the chairperson of the committee shall file notices of the appointment with the elections official and the chairperson of the state central committee within 30 days after it is made. The notices shall contain the name and address of the person appointed and the name of the person replaced and shall indicate the date of the appointment.

California Elections Code §7414

VACANCIES IN COUNTY OFFICES

Member, Board of Supervisors (General Law)

Whenever a vacancy occurs in a board of supervisors, the Governor shall fill the vacancy. The appointee shall hold office until the election and qualification of his or her successor.

Government Code §25060

The election of a supervisor to fill the vacancy for the unexpired term shall be held at the next general election, unless the term expires on the first Monday after January 1st succeeding the election.

Government Code §25061

When a vacancy occurs from the failure of the person elected to file his or her oath or bond as provided by law, and the person elected is appointed to fill the vacancy, he or she shall hold office for the unexpired term.

Government Code §25062

County Offices

- Assessor-Recorder
- Auditor-Controller-County Clerk
- District Attorney
- Sheriff-Coroner-Public Administrator
- Treasurer-Tax Collector

The board of supervisors shall fill by appointment all vacancies that occur in any office filled by the appointment of the board and elective county officers, except judge of the superior court and supervisors. The appointee shall hold office for the unexpired term or until the first Monday after January 1st succeeding the next general election.

Government Code §25304

If on the first Monday after January 1 following a general election the person elected to an elective county office has resigned or died; the board of supervisors shall provide that the office which was made vacant shall be filled at the next regularly scheduled election. The board of supervisors may appoint a person to temporarily carry out the duties of any office to be filled by such an election and that person shall serve until the results of the election are declared.

The person elected shall serve for the remainder of the term which began on the first Monday after January 1 immediately preceding the election.

Government Code §25304.5

Terms of County Offices

County offices are up for election every four years at the Primary and General Elections.

While the law for filling vacancies in county offices does not specifically call for a primary and run-off election should no candidate receive more than 50% of the vote, the decision in the past vacancies has been to conduct the vacancy election as we would a regular election with a primary and a general run-off election if needed as indicated.

Elections Code §8000 and §8140

VACANCIES ON SCHOOL DISTRICT GOVERNING BOARDS

School District office vacancies are caused by any of the events listed, or by a failure to elect. A vacancy resulting from resignation occurs when the written resignation is filed with the County Superintendent of Schools having jurisdiction over the District. A deferred effective date not to exceed 60 days may be specified by the incumbent, in which case, the resignation becomes effective on that date. Upon being filed with the County Superintendent of Schools, the written resignation is irrevocable.

Education Codes §§5090, 5091(a)

ACTION REQUIRED BY SCHOOL DISTRICT

The District has two options, which must be exercised within 60 days of the date a vacancy occurs, or the date of a deferred resignation is filed with the County Superintendent of Schools:

- Immediately call an election to fill the vacancy; or
- Make a provisional appointment pursuant to Education Code §5091

In the event that the governing board fails to make a provisional appointment or order an election within the prescribed 60-day period as required by this section, the County Superintendent of Schools shall call an election to fill the vacancy.

ELECTION ORDER

When an election is ordered, it shall be held on the next regular election not less than 130 days after the occurrence of the vacancy or after the written resignation is filed with the County Superintendent of Schools.

Education Code §5091(b)

A regular election as defined by California Elections Code 1000 is:

The second Tuesday of April in each even-numbered year.

The first Tuesday after the first Monday in March of each odd-numbered year.

The first Tuesday after the first Monday in June of each year.

The first Tuesday after the first Monday in November of each year.

The first Tuesday in February of each year evenly divisible by four.

APPOINTMENT

If the governing board makes a provisional appointment, the appointee is immediately conferred with all powers and duties of a governing board member.

Education Code §5091(d)

PUBLIC NOTICE

Within 10 days of making the provisional appointment to fill a vacancy the school district governing board must:

- Post a notice in at least three public places in the district; and
- Publish the notice at least once in a newspaper of general circulation within the district.

Government Code §6061 & Education Code §5092

The notice to be posted and published must state the following:

- The fact of the vacancy or resignation and the date of the occurrence of the vacancy or the date of the filing of, and the effective date of the resignation, and;
- The full name of the provisional appointee to the board and the date of his/her appointment, and;
- A statement that unless a petition calling for a special election, containing a sufficient number of signatures, is filed in the office of County Superintendent of Schools within 30 days of the date of the provisional appointment, it shall become an effective appointment

Education Code §5092

VACANCIES ON SCHOOL DISTRICT GOVERNING BOARDS

Provisional Appointment

A provisional appointment made pursuant to subdivision (a) confers all powers and duties of a governing board member upon the appointee immediately following that appointment.

Education Code §5091(d)

Contents of Public Notice

The notice shall state the fact of the vacancy or resignation and the date of the occurrence of the vacancy or the date of the filing of, and the effective date of, the resignation. The notice shall also contain the full name of the provisional appointee to the board and the date of his appointment, and a statement that unless a petition calling for a special election, containing a sufficient number of signatures, is filed in the office of county superintendent of schools within 30 days of the date of the provisional appointment, it shall become an effective appointment. A copy of the notice should be sent to the Kern County Elections Office.

Education Code §5092 (b)

Petition Calling for a Special Election

If a provisional appointment is made within the 60-day period, the registered voters of the district may, within 30 days from the date of the appointment, petition for the conduct of a special election to fill the vacancy.

Education Code §5091 (a)

Signature Requirements

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 1.5 percent 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. However, in districts with less than 2,000 registered voters, a petition shall be deemed to bear a sufficient number of signatures if signed by at least 5 percent of the number of registered voters of the district at the time of the last regular election for governing board members.

Education Code §5091 (c) & (f)

Petition Requirements

If a petition calling for a special election is circulated, the petition shall meet all of the following requirements:

(A) The petition shall contain the election official's estimate of the cost of conducting the special election and those estimated costs expressed on a per-pupil or per-student basis.

(B) The name and residence address of at least one, but not more than five of the proponents of the petition shall appear on the petition, each of which proponents shall be a registered voter of the school district or community college district, as applicable.

(C) None of the text or other language of the petition shall appear in less than six-point type.

Education Code §5091(f)

VACANCIES ON SCHOOL DISTRICT GOVERNING BOARDS

Who Can Sign the Petition

Notwithstanding any other provision of law, whenever an initiative, referendum, recall, nominating petition or paper, or any other petition or paper, is required to be signed by voters of a county, city, school district, or special district subject to petitioning, only a person who is an eligible registered voter at the time of signing the petition or paper is entitled to sign the petition or paper. A person who submits his or her affidavit of registration pursuant to subdivision (d) of §2102 is not eligible to sign a petition or paper unless at the time of the signing of the petition or paper he or she is 18 years of age.

A signer shall at the time of signing the petition or paper personally affix his or her signature, printed name, and place of residence, including the street and number of the place of residence, and if no street or number for the place of residence exists, then a designation of the place of residence that will enable the location to be readily ascertained. An incomplete or inaccurate apartment or unit number in the signer's residence address shall not invalidate his or her signature pursuant to §105. A space at least one inch wide shall be left blank after each name for the use of the elections official in verifying the petition or paper.

California Elections Code §100

Petition Circulator

Each section of the petition or paper shall have attached to it a declaration signed by the circulator of the petition or paper, setting forth, in the circulator's own hand, the following:

- (1) The printed name of the circulator.
- (2) The residence address of the circulator, giving street and number, or if no street or number exists, adequate designation of residence so that the location may be readily ascertained.
- (3) The dates between which all the signatures to the petition or paper were obtained.

Each declaration submitted pursuant to this section shall also set forth the following:

- That the circulator circulated that section and witnessed the appended signatures being written.
- That according to the best information and belief of the circulator, each signature is the genuine signature of the person whose name it purports to be.
- That the circulator is 18 years of age or older.
- If the petition does not include the disclosure statement described by subdivision (b) of § 107, that the circulator showed each signer a valid and unfalsified "Official Top Funders" sheet, as required by California Elections Code §107.

The circulator shall certify the content of the declaration as to its truth and correctness, under penalty of perjury under the laws of the State of California, with the signature of the circulator's name. The circulator shall state the date and the place of execution on the declaration immediately preceding the circulator's signature.

California Elections Code §104

VACANCIES ON SCHOOL DISTRICT GOVERNING BOARDS

Filing the Petition

If a vacancy occurs, or if a resignation has been filed with the county superintendent of schools containing a deferred effective date, the school district or community college district governing board shall, 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. The petition shall be submitted to the county superintendent of schools having jurisdiction who shall have 30 days to verify the signatures. If the petition is determined to be legally sufficient by the county superintendent of schools, the provisional appointment is terminated, and the county superintendent of schools shall order a special election to be conducted not less than 88, nor more than 125, days following the order of the election.

If any of the requirements of this subdivision are not met as to any petition calling for a special election, the county superintendent of schools shall not verify the signatures, nor shall any further action be taken with respect to the petition.

No person shall permit the list of names on petitions prescribed by this section to be used for any purpose other than qualification of the petition for the purpose of holding an election pursuant to this section.

Education Code §5091 (a) & (f)

The petition filed with the County Superintendent of Schools is not a public record and may not be open to public inspection. The proponents, however, may have access to the petition if it is found to be insufficient.

Government Code §6253.5

Term of Office

A person appointed to fill a vacancy shall 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, whereupon an election shall be held to fill the vacancy for the remainder of the unexpired term. A person elected at an election to fill the vacancy shall hold office for the remainder of the term in which the vacancy occurs or will occur.

Education Code §5091 (e)

Each person elected at a regular biennial governing board member election shall hold office for a term of four years commencing on the second Friday in December next succeeding his or her election. Any member of the governing board of a school district or community college district whose term has expired shall continue to discharge the duties of the office until his or her successor has qualified. The term of the successor shall begin upon the expiration of the term of his or her predecessor.

Education Code §5017

VACANCIES ON SPECIAL DISTRICT GOVERNING BOARDS

Appointments to Fill Vacancies

The remaining members of the district board shall make the appointment pursuant to this subdivision within 60 days after either the date on which the district board is notified of the vacancy or the effective date of the vacancy, whichever is later. The district shall post a notice of the vacancy in three or more conspicuous places in the district at least 15 days before the district board makes the appointment. The district shall notify the county elections official of the appointment no later than 15 days after the appointment.

Government Code §1780 (d)

The district shall notify the county elections official of the vacancy no later than 15 days after either the date on which the district board is notified of the vacancy or the effective date of the vacancy, whichever is later.

If the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general district election, the person appointed to fill the vacancy shall hold office until the next general district election that is scheduled 130 or more days after the date the district board is notified of the vacancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office.

Government Code §1780 (b) & (d)

If the vacancy occurs in the first half of a term of office, but less than 130 days prior to the next general district election, or if the vacancy occurs in the second half of a term of office, the person appointed to fill the vacancy shall fill the balance of the unexpired term of office.

Government Code §1780 (h)

Elections to Fill Vacancies

In lieu of making an appointment, the remaining members of the board may within 60 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, call an election to fill the vacancy.

The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with § 1000) of Division 1 of the California Elections Code that is 130 or more days after the date the district board calls the election.

Government Code §1780 (e)

The established election dates are as follows:

- (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.
- (e) The first Tuesday after the first Monday in November of each year.

California Elections Code §1000

VACANCIES ON SPECIAL DISTRICT GOVERNING BOARDS

Action Required by the Governing Board

The district shall notify the county elections official of the vacancy no later than 15 days after either the date on which the district board is notified of the vacancy or the effective date of the vacancy, whichever is later.

The remaining members of the district board may fill the vacancy either by appointment or by holding a special election.

Government Code §1780 (b) & (c)

If the District Board Fails to Act

If the vacancy is not filled by the district board by appointment, or if the district board has not called for an election within 60 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, then the city council of the city in which the district is wholly located, or if the district is not wholly located within a city, the board of supervisors of the county representing the larger portion of the district area in which the election to fill the vacancy will be held, may appoint a person to fill the vacancy within 90 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, or the city council or board of supervisors may order the district to call an election to fill the vacancy.

Government Code §1780 (f)

If the District Board Lacks a Quorum to Act Within 60 Days

Notwithstanding any other provision of this section, if the number of remaining members of the district board falls below a quorum, then at the request of the district secretary or a remaining member of the district board, the appropriate board of supervisors or the city council shall promptly appoint a person to fill the vacancy or may call an election to fill the vacancy. The board of supervisors or the city council shall only fill enough vacancies by appointment or by election to provide the district board with a quorum.

Government Code §1780 (h)

Term of Office

A person appointed to fill a vacancy shall 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, whereupon an election shall be held to fill the vacancy for the remainder of the unexpired term. A person elected at an election to fill the vacancy shall hold office for the remainder of the term in which the vacancy occurs or will occur.

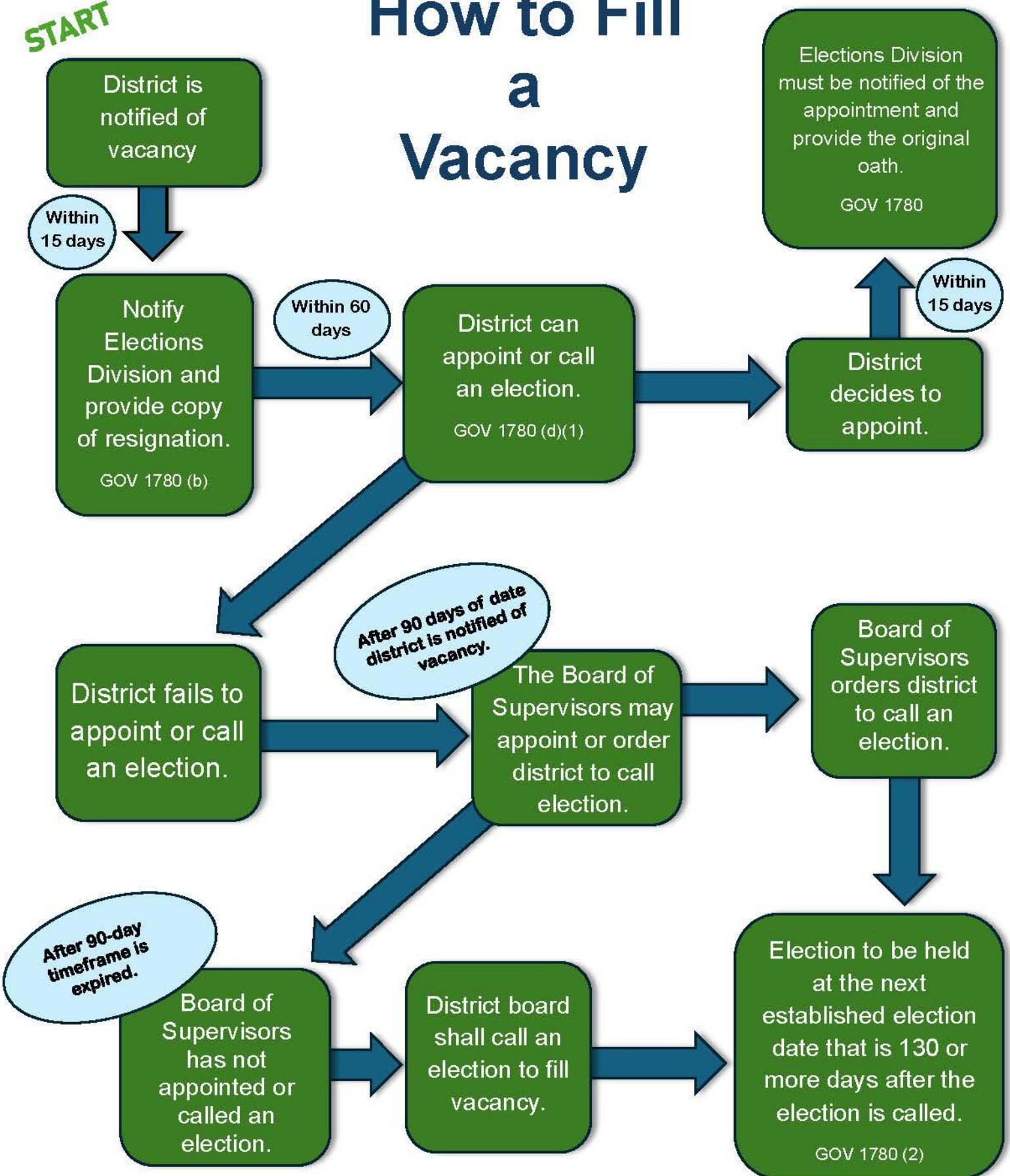
Education Code §5091 (e)

Each person elected at a regular biennial governing board member election shall hold office for a term of four years commencing on the second Friday in December next succeeding his or her election. Any member of the governing board of a school district or community college district whose term has expired shall continue to discharge the duties of the office until his or her successor has qualified. The term of the successor shall begin upon the expiration of the term of his or her predecessor.

Education Code §5017

START

How to Fill a Vacancy



OTHER DISTRICTS NOT COVERED BY GOV. CODE §1780

Government Code §1781 specifically exempts certain districts from the provisions to fill vacancies in §1780. The Education Code governs schools' districts; other districts not covered by Government Code §1780 are detailed below:

Municipal Utility Districts organized pursuant to Division 6 (beginning with §11501) of the Public Utilities code follow §11865 in the Public Utility Code to fill vacancies on their boards.

Irrigation Districts with 500,000 or More Acres subject to the provisions of Chapter 5 (beginning with §22825) of Part 5 Division 11 of the Water Code follow §22849 of the Water Code to fill vacancies on their boards.

Government Code §1781

FEDERAL, STATE & JUDICIAL OFFICES

If a vacancy occurs in the representation of this state in the Senate of the United States, the Governor may appoint and commission an elector of this state who possesses the qualifications of the office to temporarily fill the vacancy until a person is elected at a statewide general election to hold office for the remainder of the unexpired term.

Governor's Proclamation

The Governor shall call all statewide special elections by issuing a proclamation pursuant to §12000. Except as provided by Chapter 3 (commencing with §10730), in the case of a vacancy in a congressional or legislative office the Governor shall issue a proclamation, within 14 calendar days of the occurrence of the vacancy, calling a special election in accordance with §10703. A copy of the proclamation shall be sent to the board of supervisors of each affected county.

California Elections Code §10700

Vacancies Occurring After the Close of Nomination

When a vacancy occurs in a congressional office after the close of the nomination period in the final year of the term of office, the Governor may decline to issue an election proclamation at his discretion. When a vacancy occurs in a legislative office after the close of the nomination period in the final year of the term of office, no special election shall be held.

California Elections Code §10701

Time to Call Election

Except as provided in paragraph (2), a special election to fill a vacancy in the office of Representative in Congress, State Senator, or Member of the Assembly shall be conducted on a Tuesday at least 126 days, but not more than 140 days, following the issuance of an election proclamation by the Governor pursuant to §1773 of the Government Code.

(2) A special election to fill a vacancy in an office listed in paragraph (1) may be conducted within 200 days following the proclamation in order to consolidate the election or the primary election with an election occurring wholly or partially within the same territory in which the vacancy exists.

(b) Except as provided in Chapter 3 (commencing with §10730), a special election or a primary election shall not be conducted on the day after a state holiday.

California Elections Code §10703

A special election described in this section may be conducted as an all-mailed ballot election pursuant to California Elections Code §4000, 4001, and 4005.

FEDERAL, STATE & JUDICIAL OFFICES

Time to Call an Election Cont.

A special primary election shall be held in the district in which the vacancy occurred on the 9th Tuesday or, if the 9th Tuesday is the day of or the day following a state holiday, the 10th Tuesday preceding the day of the special general election at which the vacancy is to be filled.

Nomination Papers

Candidates at the primary election shall be nominated in the manner set forth in Chapter 1 (commencing with §8000) of Part 1 of Division 8, except that nomination papers shall not be circulated more than 73 days before the primary election, shall be left with the county elections official for examination not less than 53 days before the primary election, and shall be filed with the Secretary of State not less than 53 days before the primary election.

California Elections Code §10704 (a)

Vote by Mail Ballot

No later than 29 days before the day of the election, the county elections official shall begin mailing the materials required by §3010. The county elections official shall have five days to mail a ballot to each active registered voter by the 29th day before the day of the election and five days for each voter who registered to vote after that date. The county elections official shall not discriminate against any region or precinct in the county in choosing which ballots to mail first within the prescribed five-day mailing period.

California Elections Code §4005(a)(8)(A)

Ballot Layout

All candidates shall be listed on one ballot and, except as provided in subdivision (b), if any candidate receives a majority of all votes cast, he or she shall be declared elected, and no special general election shall be held. If only one candidate qualifies to have his or her name printed on the special general election ballot, that candidate shall be declared elected, and no special general election shall be held.

California Elections Code §10705

FEDERAL, STATE & JUDICIAL OFFICES

General, Run-Off Ballot

If no candidate receives a majority of votes cast, the names of the candidates who receive the highest or second highest number of votes cast at the special primary election shall be placed on the special general election ballot. In the case of a tie vote, subdivision (b) of §8142 shall apply.

California Elections Code §10706

No person whose name has been written in upon a ballot for an office at the direct primary may have his or her name placed upon the ballot as a candidate for that office for the ensuing general election unless one of the following is applicable:

(a) At that direct primary he or she received for a partisan office votes equal in number to 1 percent of all votes cast for the office at the last preceding general election at which the office was filled. In the case of an office that has not appeared on the ballot since its creation, the requisite number of votes shall equal 1 percent of the number of all votes cast for the office that had the least number of votes in the most recent general election in the jurisdiction in which the write-in candidate is seeking office.

(b) He or she is an independent nominee for a partisan office pursuant to Part 2 (commencing with §8300).

(c) At that direct primary he or she received for a voter-nominated office the highest number of votes cast for that office or the second highest number of votes cast for that office, except as provided by subdivision (b) of §8142 or §8807.

California Elections Code §8605

Order of Contest on Ballot

Whenever a special general election, or a special primary election, to fill a vacancy in Congress or the State Legislature is consolidated with a statewide election, the candidates to fill the vacancy shall appear on the consolidated ballot immediately preceding the candidates for that same seat in Congress or the seat in the Legislature that most nearly encompasses the same geographical area at the statewide election, or the elections official at his or her option may print a separate and distinct ballot.

California Elections Code §10707

Governor

The Lieutenant Governor shall act as Governor during the impeachment, absence from the State, or other temporary disability of the Governor or of a Governor-elect who fails to take office. The Legislature shall provide an order of precedence after the Lieutenant Governor for succession to the office of Governor and for the temporary exercise of the Governor's functions. The Supreme Court has exclusive jurisdiction to determine all questions arising under this section. Standing to raise questions of vacancy or temporary disability is vested exclusively in a body provided by statute.

California Constitution Article V §10

FEDERAL, STATE & JUDICIAL OFFICES

Other State Constitutional Offices

Whenever there is a vacancy in the office of the Superintendent of Public Instruction, the Lieutenant Governor, Secretary of State, Controller, Treasurer, or Attorney General, or on the State Board of Equalization, the Governor shall nominate a person to fill the vacancy who shall take office upon confirmation by a majority of the membership of the Senate and a majority of the membership of the Assembly and who shall hold office for the balance of the unexpired term. In the event the nominee is neither confirmed nor refused confirmation by both the Senate and the Assembly within 90 days of the submission of the nomination, the nominee shall take office as if he or she had been confirmed by a majority of the Senate and Assembly; provided, that if such 90-day period ends during a recess of the Legislature, the period shall be extended until the sixth day following the day on which the Legislature reconvenes.

California Constitution Article V §5

Proposition 103, an initiative statute passed by voters in November 1988, established the office of the State Insurance Commissioner. The commissioner shall be elected by the people in the same time, place, and manner as the Governor not to exceed two four-year terms. Should a vacancy occur during the term of office, legislative confirmation shall be required for the position of commissioner in the same manner and procedure as that required by § 5 of Article V of the California Constitution.

Insurance Code §12900

Judicial Offices

Supreme and Appellate Court Justices

Within 30 days before August 16 preceding the expiration of the judge's term, a judge of the Supreme Court or a court of appeal may file a declaration of candidacy to succeed to the office presently held by the judge. If the declaration is not filed, the Governor before September 16 shall nominate a candidate. At the next general election, only the candidate so declared or nominated may appear on the ballot, which shall present the question whether the candidate shall be elected. The candidate shall be elected upon receiving a majority of the votes on the question. A candidate not elected may not be appointed to that court but later may be nominated and elected.

The Governor shall fill vacancies in those courts by appointment. An appointee holds office until the Monday after January 1 following the first general election at which the appointee had the right to become a candidate or until an elected judge qualifies. A nomination or appointment by the Governor is effective when confirmed by the Commission on Judicial Appointments.

Electors of a county, by majority of those voting and in a manner the Legislature shall provide, may make this system of selection applicable to judges of superior courts.

California Constitution Article VI §16

Superior Court Judge

Terms of judges of superior courts are six years beginning the Monday after January 1 following their election. A vacancy shall be filled by election to a full term at the next general election after the second January 1 following the vacancy, but the Governor shall appoint a person to fill the vacancy temporarily until the elected judge's term begins.

California Constitution Article VI §1

PUBLIC NOTICE OF VACANCY AND PROVISIONAL APPOINTMENT – SCHOOL DISTRICT

(Education Code §5092)

1. A vacancy in the membership of the Governing Board of the _____ School District has
occurred by reason of the _____ of _____ effective _____.
(Resignation or other reason) (Name of District) (Name of Officeholder or Trustee) (Date)
2. The resignation was filed in the office of the Kern County Superintendent of Schools on
_____.
(Date)
3. _____ was provisionally appointed by the Governing Board on _____
(Name of Appointee) (Date)
to fill the above names vacancy.
4. The provisional appointment shall become effective unless a petition calling for a special election, containing a sufficient number of signatures, is filed in the office of the Kern County Superintendent of Schools within 30 days from the date of the provisional appointment:
- File a petition calling for a special election containing the valid signatures of at least 1.5% of the number of registered voters of the district at the time of the last regular election for governing board members held within the _____ or 25 registered voters of the district,
(Name of District)
whichever is greater, or
 - In districts with less than 2,000 registered voters, a petition shall be deemed to bear a sufficient number of signatures if signed by at least five percent of the number of registered voters of the district at the time of the last regular election for governing board members.

Governing Board of the _____
(Name of District)

Governing Board Secretary/Clerk Printed Name

Governing Board Secretary/Clerk Signature

Date: _____

NOTICE OF VACANCY

Interested persons are hereby notified that
pursuant to Government Code §1780
there is a vacancy on the

Board of Directors.

The position to be filled is a _____ year term
ending December 20_____.

The seat will go to election in
November 20_____ for the unexpired

Applications are available at the
_____ District Office located at

Address: _____
(Number and Street Name)

_____, _____
(City) (State) (Zip Code)

Phone: _____

Website: _____

E-mail: _____

Applications Due Date: _____

This district board has 60 days from the date the board is notified of the vacancy or the effective date of the vacancy, whichever is later, to fill the vacancy by appointment or call a special election. Government Code §1780(d)(1)
Pursuant to Government Code §1780(d)(1), this notice will be posted for 15 days in 3 or more conspicuous locations in the districts from _____ to _____.

APPLICATION FOR APPOINTMENT TO A SPECIAL DISTRICT VACANCY

Instructions:

If you are interested in serving on a special district Board of Directors, please complete this application and return it to: _____

Date Due: _____

You will be advised by the district board if your appointment is confirmed. Thank you for your interest.

DISTRICT: _____ DATE: _____

NAME: _____ AGE (optional): _____

RESIDENCE ADDRESS: _____

BUSINESS OR MAILING ADDRESS: _____

PHONE (DAYTIME): _____ PHONE (EVENING): _____

E-MAIL: _____

EDUCATION			
Institution	Major	Degree	Year

WORK / VOLUNTEER EXPERIENCE				
Organization	City	Position	From	To

****SAMPLE****

STATEMENT OF QUALIFICATIONS:

Please briefly describe your qualifications and why you are interested in serving on the Board of Directors.

CERTIFICATION:

I certify that the information contained in this application is true and correct.
I authorize the verification of the information in this application.

Signature

Date

PETITION FOR SPECIAL ELECTION

TO FILL THE VACANCY ON THE GOVERNING BOARD OF _____ SCHOOL DISTRICT IN KERN COUNTY

The proponents of this petition as named herewith are registered voters of the aforementioned school district.

s/ Voter 1, 3030 Sugar St., Bakersfield, CA 95060
s/ Voter 2, 4010 Sugar Dr., Bakersfield, CA 95066
s/ Voter 3, 501 Coco Rd., Bakersfield CA 95050
s/ Voter 4, 32 Sugar Ave., Bakersfield, CA 95076
s/ Voter 5, 189 Coco Blvd., Bakersfield, CA 95003
Name and residence of at least one and not

more than
five proponents. Ed. Code §5091(f)

Pursuant to Education Code §5091, we the undersigned, who are registered votes of the _____
(School)

District of Kern County, California, hereby petition the County Superintendent of Schools to call a special election for the purpose of filling the vacancy on the governing board of said school district.

If an election is called pursuant to this petition, the provisional appointment heretofore made by the governing board of said school district to fill the vacancy shall be terminated.

The County Clerk in and for the County of Kern has estimated the cost of conducting the special election called pursuant to this petition to be approximately \$ _____.
(Insert estimated cost here)

Official Use Only
↓

1	Print Your Name	Residence Address Only		
	Your Signature as Registered to Vote	City, State	Zip	
2	Print Your Name	Residence Address Only		
	Your Signature as Registered to Vote	City, State	Zip	
3	Print Your Name	Residence Address Only		
	Your Signature as Registered to Vote	City, State	Zip	

DECLARATION OF PERSON CIRCULATING SECTION OF PETITION FOR A SPECIAL ELECTION

(Each petition section shall have attached to it an affidavit to be completed by the circulator. §§104, 9109)

I, _____ declare:
(Print Name)

1. My residence address is _____, in Kern County, California, and I am a registered voter in Kern County;
2. I personally circulated the attached petition for signing;
3. I witnessed each of the appended signatures being written on the petition and to my best information and belief, each signature is the genuine signature or the person whose name it purports to be; and
4. The appended signatures were obtained between the dates of _____ and _____, inclusive.
(Date) (Date)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on _____ at _____
(Date) (Place of signing)

(Complete Signature of Petition Circulator)

CHECKLIST FOR FILLING VACANCY ON ELECTED BOARD OF SPECIAL DISTRICT BY APPOINTMENT

(GOVERNMENT CODE §1780)

EVENT/ACTION	EVENT/DEADLINE
1. Date on which district board was officially notified of vacancy, or effective date of vacancy, whichever is later.	
2. Notify Kern County Election Division of vacancy within 15 days after date in Step 1. Send copy of letter to Board of Supervisors (or other appointing authority).	
3. District board may fill vacancy by appointment or call an election. Must take action within 60 days after date in Step · If board wishes to appoint: must post notice of vacancy in three or more conspicuous places in district at least 15 days before the board makes the appointment · Check with the Kern County Election Division to be sure potential appointees are eligible for office (registered voter, etc..) · If Board appoints: notify the Kern County Elections Division within 15 days after appointment.	N/A
4. If district board is unable to appoint before 60-day period expires, advise Kern County Elections Division immediately.	
5. Board of Supervisors (or other appointing authority) may fill vacancy by appointment or call for an election. Must take action within 90 days after date in step 1 (i.e., within 30 days after district board's deadline).	