

# Guide to Filling a Vacancy in Elective Office

Orange County  
Registrar of Voters  
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**THIS GUIDE TO FILLING A VACANCY IN ELECTIVE OFFICE IS INTENDED TO PROVIDE GENERAL INFORMATION, AND DOES NOT HAVE THE FORCE AND EFFECT OF LAW. IT IS DISTRIBUTED WITH THE UNDERSTANDING THAT THE REGISTRAR OF VOTERS OF THE COUNTY OF ORANGE IS NOT RENDERING LEGAL ADVICE AND, THEREFORE, THE HANDBOOK IS NOT TO BE A SUBSTITUTE FOR LEGAL COUNSEL FOR THE INDIVIDUAL OR ORGANIZATION USING IT. IT IS THE RESPONSIBILITY OF PERSONS USING THIS GUIDE TO OBTAIN THE MOST UP-TO-DATE INFORMATION AVAILABLE, REFLECTING CHANGES IN LAWS OR PROCEDURE SUBSEQUENT TO THE PUBLICATION OF THIS GUIDE.**



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**NEAL KELLEY**  
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Dear Orange County Voter:

Thank you for your interest in our Guide to Filling a Vacancy in Elective Office. This guide has been designed to assist you in understanding the process for filling a vacancy in various elective offices in California.

You will find detailed information on options, timelines, and more throughout this handbook. This guide is intended to provide general information and does not have the force and effect of law. It is distributed with the understanding that the Registrar of Voters of the County of Orange is not rendering legal advice and, therefore, the handbook is not to be a substitute for legal counsel for the individual or organization using it.

We strongly recommend that any interested party obtain legal advice, to assist in complying with applicable California laws, including the California Elections Code, California Education Code, and the California Government Code.

Our mission is to serve the registered voters of Orange County in a uniform, consistent and accessible manner with the highest level of integrity.

Sincerely,

A handwritten signature in black ink, appearing to read "Neal Kelley".

Neal Kelley  
Registrar of Voters

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## **WHEN DOES AN OFFICE BECOME VACANT?**

An office becomes vacant if any of the following events occurs before the expiration of the term:

- (a) The death of the incumbent.
- (b) An adjudication pursuant to a quo warranto 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) His or her resignation.
- (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.

**Gov't Code § 1770**

## **VACANCIES IN THE OFFICES OF THE PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES**

In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

**United States Constitution, Amendments XX, Section 3, XXV, Section 1**

Whenever there is a vacancy in the office of Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress. **United States Constitution, Amendment XXV, Section 2**

Special elections are never held to fill a vacancy in the office of President. If the Vice President cannot hold the position, the line of succession is as follows: Speaker of the House, President Pro Tempore of the Senate, Secretary of State, Secretary of Treasury, Secretary of Defense, Attorney General, Secretary of Interior, Secretary of Agriculture, Secretary of Commerce, Secretary of Labor, Secretary of Health and Human Services, Secretary of Housing and Urban Development, Secretary of Transportation, Secretary of Energy, Secretary of Education, Secretary of Veterans Affairs, and Secretary of Homeland Security. **Presidential Succession Act of 1947 (3 U.S.C. § 19)**

See the United States Constitution, Amendment XXV for more provisions.

### **TERM OF OFFICE**

**If the office of President is vacant due to removal, resignation, or death**, the Vice President shall serve for the remainder of the term.

**United States Constitution, Amendments XX, Section 3, XXV, Section 1**

**If the office of Vice President is vacant**, the Presidential nominee, approved by a majority of both Houses of Congress, shall serve the remainder of the term.

**United States Constitution, Amendment XXV, Section 2**

**If the office of President is filled at a regularly-scheduled Presidential Election**, the person elected shall serve four years. The person may not be elected for more than two, four-year terms or one, four-year term if he/she has already served more than half of another President's term. The term of office for the President ends at noon on the 20th day of January after the November Presidential Election.

**United States Constitution, Amendments XX, Section 1, XXII, Section 1**

## **VACANCIES IN THE OFFICE OF UNITED STATES SENATOR**

If a vacancy occurs in the representation of this state in the United States Senate, the Governor may appoint and commission an elector of this state who possesses the qualifications for the office to fill the vacancy until his or her successor is elected and qualifies and is admitted to his or her seat by the United States Senate.

However, whenever a vacancy occurs within a term fixed by law to expire on the third day of January following the next general election, the person so appointed shall hold office for the remainder of the unexpired term unless the vacancy is filled at a special election held prior to the general election, in which case the person elected at the special election shall hold office for the remainder of the unexpired term.

An election to fill a vacancy in the term of a United States Senator shall be held at the general election next succeeding the occurrence of the vacancy or at any special election.

**Elections Code § 10720**

### **TERM OF OFFICE**

**If a vacancy in the office of United States Senator is filled by appointment, the appointee shall serve until a successor is elected and qualifies.**

**Elections Code § 10720**

**If a vacancy in the office of United States Senator is filled by appointment and the term of office expires on the third day of January following the next general election, the appointee shall hold office for the remainder of the unexpired term unless the vacancy is filled at a special election held prior to the general election.**

**Elections Code § 10720**

**If a vacancy in the office of United States Senator is filled by special election, the person elected shall hold office for the remainder of the unexpired term.**

**Elections Code § 10720**

**If the office of United States Senator is filled at a regularly-scheduled general election, the person elected shall serve six years. The term of office of a United States Senator ends at noon on the 3rd day of January after the November General Election.**

**United States Constitution, Article I, Section 3, Amendment XX, Section 1**

# **VACANCIES IN THE OFFICES OF REPRESENTATIVE IN CONGRESS, STATE SENATOR, AND STATE ASSEMBLY MEMBER**

## **GOVERNOR'S PROCLAMATION**

The Governor shall call a statewide special election by issuing a proclamation pursuant to Elections Code Section 12000 in the event of a vacancy in the office of Representative in Congress (congressional), State Senator (legislative), or Member of the State Assembly (legislative).

In the case of a vacancy in a congressional or legislative office, the Governor shall issue a writ of election, within **14 calendar days** of the occurrence of the vacancy, calling a special election to fill the vacancy in accordance with Elections Code Section 10703. A copy of the proclamation shall be sent to the board of supervisors of every affected county.

**California Constitution, Article IV, Section 2(d), Government Code § 1773,  
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.

**Elections Code § 10701(a), Government Code § 1773**

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.

**Elections Code § 10701(b), Government Code § 1773**

## **SPECIAL ELECTION**

### **Calling the Election:**

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 Section 1773 of the Government Code.

However, the special general election may be conducted within **180 days** following the proclamation in order that the election or the primary election be consolidated with the next regularly-scheduled statewide election or local election occurring wholly or partially within the same territory in which the vacancy exists, provided that the voters eligible to vote in the local election comprise at least 50 percent of all the voters eligible to vote on the vacancy. **(See Exhibit B for established election dates and Exhibit D regarding consolidation with another election)**

**Elections Code § 10703(a)**





In no event may a special election or a primary election be conducted on the day after a state holiday. **Elections Code § 10703(b)**

A special primary election shall be held in the district in which the vacancy occurred on the ninth Tuesday or, if the ninth Tuesday is the day of or the day following a state holiday, the tenth Tuesday preceding the day of the special general election at which the vacancy is to be filled. **Elections Code § 10704(a)**

A special primary election shall be held in the district in which the vacancy occurred on the tenth Tuesday preceding the day of the special general election at which the vacancy is to be filled if both of the following conditions apply: (1) The tenth Tuesday preceding the day of the special general election is an established election date (**See Exhibit B**). (2) A statewide or local election occurring wholly or partially within the same territory in which the vacancy exists is scheduled for the tenth Tuesday preceding the day of the special general election. **Elections Code § 10704(b)**

### **Signature-in-Lieu of Filing Fee Petition and Nomination Period for Special Primary Election:**

All Signatures-in-Lieu of Filing Fee Petitions shall be made available commencing **45 days** before the first day for circulating nomination papers. However, in cases of vacancies for which a special election is authorized or required to be held to fill the vacancy, and where the prescribed nomination period would commence less than **45 days** after the creation of the vacancy, the Signatures-in-lieu of Filing Fee Petitions shall be made available within five working days after the creation of the vacancy. **Elections Code § 8106(b)**

The Signatures-in-Lieu period ends **15 days** prior to the end of the nomination period. **Elections Code § 8106(b)(3)**

Candidates at the primary election shall be nominated in the same manner as a regular election (Elections Code Section 8000, et. al.), except that nomination papers shall not be circulated more than **73 days** before the primary election, shall be left with the Orange County Registrar of Voters' office 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. **Elections Code § 10704(a)**

### **Vote-by-Mail Ballot Requests:**

An application for a vote-by-mail ballot for a special election shall be made and processed in the manner required by Section 3001. The vote-by-mail period will begin on the **29th day** before the election. Applications received by the Orange County Registrar of Voters' office prior to the **29th day** shall not be returned to the sender, but shall be held by Orange County Registrar of Voters' office and processed by him or her following the **29th day** prior to the election in the same manner as if received at that time. **Elections Code §§ 3001, 10704(c)**

### **Sample Ballot:**

The sample ballot for a special election shall contain a written explanation of the election procedure for voter-nominated office as specified in subdivision (b) of Section 9083.5 of the Elections Code. Immediately after the explanation shall be printed the following: "If one candidate receives more than 50% of the votes cast at the special primary election, he or she will be elected to fill the vacancy and no special general election will be held."

**Elections Code § 10704(d)**

### **Ballot Layout:**

On the ballot for a special election, immediately below the instructions to voters, there shall be a box not less than one-half inch high enclosed by a heavy-ruled line the same as the borderline. This box shall be as long as there are columns for the ballot and shall be set directly above these columns. Within the box shall be printed the words "Voter-Nominated Office".

**Elections Code § 10704(e)**

Immediately below that phrase within the same box shall be printed the following: "All voters, regardless of the party preference they disclosed upon registration, or refusal to disclose a party preference, may vote for any candidate for a voter-nominated office. The party preference, if any, designated by a candidate is selected by the candidate and is shown for the information of the voters only. It does not imply that the candidate is nominated or endorsed by the party or that the party approves of the candidate."

**Elections Code § 10704(e)**

All candidates shall be listed on one ballot.

**Elections Code § 10705**

### **Results of Special Primary Election:**

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. Or, 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.

**Elections Code § 10705**

### **Special General Election Ballot:**

If no candidate receives a majority of votes cast, the names of the candidates who receive the highest and second highest number of votes cast at the special primary election shall be placed on the special general election ballot. **Elections Code § 10706**

In case of a tie vote, subdivision (b) of Section 8142 shall apply.

**Elections Code § 10706**

### **Order of Contest on the Ballot When Special Election is Consolidated with Statewide Election:**

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.

**Elections Code § 10707**



**NOTE:** If the vacancy in the office of Representative in Congress is caused by a catastrophe, see Elections Code Sections 10730 through 10735.

### **TERM OF OFFICE**

**If a vacancy in the office of Representative in Congress is filled by special election,** the person elected shall hold office for the remainder of the unexpired term.

**If a vacancy in the office of State Senator is filled by special election,** the person elected shall hold office for the remainder of the unexpired term.

**If the vacancy in the office of Member of the State Assembly is filled by special election,** the person elected shall hold office for the remainder of the unexpired term.

**If the office of Representative in Congress is filled at a regularly-scheduled election,** the person elected shall serve two years. The term of office of a Representative in Congress ends at noon on the 3rd day of January after the November General Election.

**United States Constitution, Article I, Section 2, Amendment XX, Section 1**

**If the office of State Senator is filled at a regularly-scheduled election,** the person elected shall serve four years, and may not serve more than three terms if first elected to the Legislature after June 5, 2012.\* The term of office of a State Senator ends on the first Monday in December following the November general election.

**California Constitution, Article IV, Section 2(a)(1)(3)(4)**

**If the officer of Member of the State Assembly is filled at a regularly-scheduled election,** the person elected shall serve two years, and may not serve more than six terms if first elected to the Legislature after June 5, 2012.\* The term of office of a Member of a State Assembly ends on the first Monday in December following the November general election.

**California Constitution, Article IV, Section 2(a)(2)(3)(4)**

\*During his or her lifetime a person may serve no more than 12 years in the State Senate, the State Assembly, or both, in any combination of terms. Subdivision (a)(4) of Section 2, Article IV of the California Constitution only applies to those Members of the State Senate or the State Assembly who are first elected to the Legislature after the effective date, June 5, 2012, of the subdivision. If the person was elected prior to June 5, 2012, he/she may not serve more than two terms in the State Senate and three terms in the State Assembly since November 6, 1990.

**California Constitution, Article IV, Section 2(a)(4)**

## **VACANCIES IN STATE CONSTITUTIONAL OFFICES**

### **GOVERNOR**

The Lieutenant Governor shall become Governor when a vacancy occurs in the office Governor. **California Constitution, Article V, Section 10**

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. **California Constitution, Article V, Section 10**

The Legislature shall provide an order of precedence after the Lieutenant Governor for succession to the office of Governor. In other words, there will be no special election when a vacancy in the office of Governor occurs. **California Constitution, Article V, Section 10**

### **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 State Senate and a majority of the membership of the State Assembly and who shall hold office for the balance of the unexpired term.

**California Constitution, Article V, Section 5(b), Government Code § 1775**

In the event the nominee is neither confirmed nor refused confirmation by both the State Senate and the State 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 State Senate and State 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.

**Government Code § 1775, California Constitution, Article V, Section 5(b)**

If a vacancy should occur during the term of office for Insurance Commissioner, legislative confirmation shall be required for the position in the same manner and procedure as that required by Section 5 of Article V of the California Constitution.

**Insurance Code § 12900(b)**

### **TERM OF OFFICE**

**When a vacancy occurs in the office of Governor**, the Lieutenant Governor, or if the Lieutenant Governor cannot serve, the person designated in the succession to the office of Governor, shall serve for the remainder of the unexpired term.

**California Constitution, Article V, Section 10**

**When a vacancy occurs in the offices of Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, Superintendent of Public Instruction, State Board of Equalization, and Insurance Commissioner**, the person nominated

by the Governor and confirmed by a majority of the State Senate and State Assembly shall serve for the remainder of the unexpired term.

**Government Code § 1775, California Constitution, Article V, Section 5(b),  
Insurance Code § 12900(b)**

**If the Office of Governor and other State Constitutional Offices are filled during a regularly-scheduled statewide election**, those elected will serve for four years (and may not serve more than two terms), commencing the Monday after January 1st after their election.

**California Constitution, Article V, Section 2, Section 11, Insurance Code § 12900**

## **VACANCIES IN 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.

**California Constitution, Article VI, Section 16(d)(1)**

The Governor shall fill vacancies in the Supreme and Appellate 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.

**California Constitution, Article VI, Section 16(d)(2)**

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, Section 16(d)(3)**

### **SUPERIOR COURT JUDGES**

A vacancy shall be filled by election to a full term at the next general election after the second January 1 following the vacancy.

The Governor shall appoint a person to fill the vacancy temporarily until the elected judge's term begins.

**California Constitution, Article VI, Section 16(c)**

### **TERMS OF OFFICE**

**If a Supreme or Appellate Court judicial vacancy is filled by appointment**, the person shall hold office until the Monday after January 1 following the first general election.

**California Constitution, Article VI, Section 16(d)(2)**

**If a Supreme or Appellate Court judicial vacancy is filled by election**, the person shall hold office for the remainder of the term.

**California Constitution, Article VI, Section 16(a)**

**If the office of Supreme or Appellate Court Judge is elected at a regularly-scheduled election**, the person shall hold office for 12 years, beginning the Monday after January 1 following his or her election.

**California Constitution, Article VI, Section 16(a)**

**If a Superior Court judicial vacancy is filled by appointment**, the person shall hold office until the person elected at the next general election after the second January 1 following the vacancy takes office. **California Constitution, Article VI, Section 16(c)**

**If a Superior Court judicial vacancy is filled by election at the next general election after the second January 1 following the vacancy**, the person elected shall hold office for a full, six-year term. **California Constitution, Article VI, Section 16(c)**

**If a Superior Court Judge is elected at a regularly-scheduled election**, the person shall hold office for six years beginning the Monday after January 1 following his or her election. **California Constitution, Article VI, Section 16(c)**

## **VACANCIES IN COUNTY OFFICES WHAT IS CONSIDERED A COUNTY OFFICE?**

In Orange County, the following are county-elected offices:

- Assessor
- Auditor-Controller
- Clerk-Recorder
- District Attorney-Public Administrator
- Member, Orange County Board of Supervisors
- Sheriff-Coroner
- Superintendent of Schools
- Treasurer-Tax Collector

**Government Code §§ 24000, 24300**

### **MEMBER, ORANGE COUNTY BOARD OF SUPERVISORS**



Orange County adopted a charter that governs the process for filling vacancies in the office of Member, Orange County Board of Supervisors.

Notwithstanding any other provision of law, whenever a vacancy occurs in the office of Member, Orange County Board of Supervisors, the vacancy shall be filled as follows:

**If, at the time the vacancy occurs, the remaining term of office is 365 days or greater,** then the vacancy shall be filled by a vote of the electors of that district at a special election to be called by the Board of Supervisors not less than 56 days nor more than 70 days after the vacancy occurs, except that if the vacancy occurs within 180 days of a regularly scheduled election held throughout the supervisorial district, the election to fill the vacancy may be consolidated with that regularly scheduled election. **(See Exhibit B regarding election dates and Exhibit D regarding consolidation with another election)**

**Orange County Charter, Article I, § 103(A), County Codified Ordinance, Article 1, Division 2, Title 1, § 1-2-10(a)(2)(a)**

The person receiving the highest number of votes in that election shall fill the vacancy.

**Orange County Charter, Article I, § 103(A)**

**If, at the time the vacancy occurs, the remaining term of office is less than 365 days, but greater than 180 days,** the vacancy shall be filled by any person receiving a majority of the votes in the statewide primary election that year. If that person for any reason does not assume the office for the remainder of the term, or if no person receives a majority of votes cast for supervisor in that district in the statewide primary election, then the Board of Supervisors is hereby authorized to fill the vacancy by either (1) calling a special election not less than 56 days nor more than 70 days after the vacancy occurs or by (2) appointing a person to fill the vacancy, provided that the Board of Supervisors may not fill a vacancy by appointing a person who has filed nomination documents with the county elections official to qualify as a candidate for Supervisor in the November general election.

**Orange County Charter, Article I, § 103(B)**

If, at the time the vacancy occurs, the remaining term of office is 180 days or less, then the Chairman of the Board of Supervisors shall appoint such personnel as necessary to address the needs of the residents of the district and the vacancy shall be filled by the person receiving the highest number of votes cast for Supervisors in that district after the Board declares the results of the November general election.

**Orange County Charter, Article I, § 103(C)**

### **COUNTY OFFICES (OTHER THAN MEMBER, ORANGE COUNTY BOARD OF SUPERVISORS)**

The Board of Supervisors shall fill a vacancy by appointment that occurs 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 1 succeeding the next general election.

**Government Code § 25304**

If on the first Monday after January 1<sup>st</sup> 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 that began on the first Monday after January 1<sup>st</sup> immediately preceding the election.

**Government Code § 25304.5**

### **Orange County Sheriff:**

Notwithstanding any provision of Government Code Section 24204, or any other statute, the office of Sheriff shall be filled by election as provided in this chapter for elective county officers, and vacancies shall be filled as provided by law for filling elective county offices (Government Code Section 25304.4), unless the county or city and county is chartered and such charter provides for election of the sheriff by vote of the electors.

**Government Code § 24205(a)**

### **NOMINATION PERIOD**

**Non-Consolidated Special Election:** If the special election is not consolidated with a regularly scheduled election, commencing at 8:00 a.m. on the next business day after the call of the election, candidates for the vacant office of supervisor may obtain declarations of candidacy, nomination papers, in-lieu-of-filing-fee petitions and candidates' statements. All such documents shall be filed with the Orange County Registrar of Voters no later than **5:00 p.m.** on the **43rd day** prior to the election.

**County Codified Ordinance, Article 1, Division 2, Title 1, § 1-2-10(a)(2)(b)**

**Consolidated Special Election:** Notwithstanding any other provision of law, whenever other elections are consolidated with a regularly scheduled election, the period for the filing of nomination documents by candidates in elections consolidated with the regularly scheduled election shall commence on the **113th day** prior to the election. The nomination documents shall be filed no later than the close of business on the **88th day** prior to the regularly scheduled election in the office of the Orange County Registrar of Voters, during regular office hours. **Elections Code § 10407(a)**

### **TERM OF OFFICE FOR MEMBER, ORANGE COUNTY BOARD OF SUPERVISORS**

**If the vacancy occurs with 365 days or greater remaining in the term,** the person elected to fill the vacancy shall hold the office for the remainder of the term. **(Short Term Seat)** **Orange County Charter, Article I, § 103(A)**

**If the vacancy occurs with less than 365 days but more than 180 days remaining in the term,** the person elected to fill the vacancy shall hold the office for the remainder of the term. **(Short Term Seat)** **Orange County Charter, Article I, § 103(B)**

**If the vacancy occurs with 180 days or less remaining in the term,** the vacancy is not filled until the Board declares the results of the following November general election. The person elected shall hold the office for four years and may not serve more than two consecutive four year terms. **(Full Term Seat)** **Orange County Charter, Article I, § 103(C)**

**A person elected at a regularly-scheduled Member, Orange County Board of Supervisors election** shall hold office for a term of four years, and may not serve more than two consecutive four-year terms, The term commences at noon on the first Monday after January 1<sup>st</sup> following his or her election. **(Full Term Seat)** **Orange County Charter, Article I, § 102, Elections Code § 1300, Government Code § 24200, Orange County Codified Ordinance 1-2-9**

### **TERM OF OFFICE FOR COUNTY OFFICERS, OTHER THAN MEMBER, ORANGE COUNTY BOARD OF SUPERVISORS**

**A person appointed to fill a vacancy for county office** shall hold office for the unexpired term. **Government Code § 25304**

**A person elected to fill a vacancy for county office caused by resignation or death of the newly-elected county officer** shall hold office for the remainder of the term. **(Short Term Seat)** **Government Code § 25304.5**

**A person elected at a regularly-scheduled county offices election** shall hold office for a term of four years commencing at noon on the first Monday after January 1<sup>st</sup> following his or her election. **(Full Term Seat)** **Elections Code § 1300, Government Code § 24200**

# VACANCIES IN SCHOOL DISTRICT GOVERNING BOARDS

## WHAT CAUSES A VACANCY?

Vacancies on school district governing boards or community college district boards are caused by any of the events specified in Government Code section 1770 (**See page 4 of this guide**), 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 Code § 5090

## WHAT HAPPENS AFTER A VACANCY OCCURS?

### ACTION REQUIRED BY SCHOOL DISTRICT OR COMMUNITY COLLEGE DISTRICT GOVERNING BOARD

Whenever a vacancy occurs or whenever 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 has one of two options available. Either of these options must be exercised within **60 days** of the date a vacancy occurs or the date a deferred resignation is filed with the County Superintendent of Schools:

- (1) Immediately call an election to fill the vacancy; or
- (2) Make a provisional appointment pursuant to Education Code Section 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.

Education Code § 5091(a)

A copy of the resignation and copies of any notices, appointments, resolutions calling elections, etc. should be sent to the Orange County Registrar of Voters' office as soon as possible.



**NOTE:** There shall be no special election or appointment to fill a vacancy on a governing board if the vacancy occurs within **four months** of the end of the term of that position. **Education Code § 5093(a)**

Education Code section 5091 shall not apply to a vacancy on a governing board if the vacancy occurs, or a resignation specifying a deferred effective date is filed with the County Superintendent of Schools, during the period between **six months** and **130 days** prior to a regularly scheduled governing board election and the position is not scheduled to be filled at such election.

In such a case, the position shall be filled at a special election for that position to be consolidated with the regular election.

**Education Code § 5093(b)**

If the special election pursuant to Education Code Section 5091 could be consolidated with the next regular election for governing board members, and the vacant position is scheduled to be filled at such regular election, there shall be no special election.

**Education Code § 5093(c)**

**Election Ordered:**

When an election is ordered, it shall be held on the next established election date, not less than **130 days** after the order of the election. **(See Exhibit B pertaining to established Election Dates; see Exhibit D regarding consolidation with another election)**

**Education Code § 5091(b)**

Vacancy elections shall be conducted in as nearly the same manner as practicable as other governing board member elections.

**Education Code § 5091(g)**

**Nomination Period for Election Ordered to Fill a Vacancy on a School District or Community College District Governing Board:**

In any school district or community college district governing board election the name of any person shall be placed on the ballot, subject to Sections 35107 and 72103 of the Education Code, if there is filed with the county elections official having jurisdiction, not more than **113 days** nor less than **88 days** prior to the election, a declaration of candidacy containing the appropriate information in the blank spaces and signed by the person whose name is thereby to be placed on the ballot. **Elections Code § 10603(a)**

Notwithstanding any other provision of law, whenever other elections are consolidated with a regularly-scheduled election, the period for the filing of nomination documents by candidates in elections consolidated with the regularly scheduled election shall commence on the **113th day** prior to the election. The nomination documents shall be filed no later than the close of business on the **88th day** prior to the regularly scheduled election in the office of the Orange County Registrar of Voters, during regular office hours.

**Elections Code § 10407(a)**

**Provisional Appointment to Fill a Vacancy on a School District or Community College District Governing Board:**

If the governing board makes a provisional appointment within the **60-day** period, the appointee is immediately conferred with all powers and duties of a governing board member.

**Education Code § 5091(d)**

**Public Notice of Provisional Appointment:**

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

- (a) Post notices of both the actual vacancy or the filling of a deferred resignation and the provisional appointment in at least three public places in the district (**See Exhibit E for sample notice**); and
- (b) Publish the notice, pursuant to Section 6061 of the Government Code, at least once in a newspaper of general circulation published within the district. If there is no newspaper of general circulation published in the district, notice need not be published.

**Education Code § 5092, Government Code §§ 6060, 6061**

A copy of the notice should be filed with the Orange County Registrar of Voters' office.

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

- (a) 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
- (b) The full name of the provisional appointee to the board and the date of his/her appointment; and
- (c) A statement that unless a petition calling for a special election, containing a sufficient number of signatures, is filed in the office of the County Superintendent of Schools within **30 days** of the date of the provisional appointment, it shall become an effective appointment.

**Education Code § 5092**

### **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(c)(1)**

#### **Petition Requirements:**

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

- (a) The petition shall contain the estimate of the elections official of the cost of conducting the special election;
- (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; and
- (d) The petition shall be prepared and circulate in conformity with Sections 100 and 104 of the Elections Code.

**Education Code § 5091(f)(1)(A-D)**

A space at least one inch wide shall be left blank after each name and signature for the use of the elections official in verifying the petition or paper. The part of a petition for the voters' signatures, printed names, and residence addresses and for the blank spaces for verification purposes shall be numbered consecutively commencing with the number one and continuing through the number of signature spaces allotted to each section.

**Elections Code § 100**

**See Exhibit F for a sample petition.**

### **Signature Requirements:**

A petition shall be deemed to bear a sufficient number of signatures if signed by whichever means below results in the greater number of registered voters:

- **1-1/2 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.

**Education Code § 5091(c)**

However, in districts with registered voters of less than **2,000** persons, 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)**

### **Who can Sign a Petition?**

Only a person who is an eligible registered voter at the time of signing the petition or paper is entitled to sign it.

**Elections Code § 100**



Each signer shall at the time of signing the petition or paper **personally affix** his or her signature, printed name, and place of residence, giving street and number, and if no street or number exists, then a designation of the place of residence which will enable the location to be readily ascertained.

**Elections Code § 100**

### **Circulator Section of the Petition:**



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:

- (a) The printed name of the circulator;
- (b) The residence address of the circulator, giving street and number, or if not street or number exists, adequate designation of residence so that the location may be readily ascertained; and
- (c) 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:

- (a) That the circulator circulated that section and witnessed the appended signatures being written;

- (b) 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; and
- (c) That the circulator is **18 years of age or older**.

The circulator shall certify to 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 his or her name. The circulator shall state the date and the place of execution on the declaration immediately preceding his or her signature.

**Elections Code § 104**

### **Filing of the Petition:**

The petition must be filed with the County Superintendent of Schools within the **30-day** period following the provisional appointment.

The County Superintendent of Schools then has **30 days** to verify the signatures (Since there is no mention of excluding weekend days and holidays, the **30-day** reference is **30 calendar days**)

At his/her discretion, the Superintendent of Schools may forward the petitions to the Orange County Registrar of Voters' office for signature verification. The Superintendent may decide if the petition is to be checked using a random sampling in accordance with Elections Code Section 9115 or to check **100 percent** of the signatures. A certificate of the results of the petition verification will be forwarded to the County Superintendent of Schools.

**Education Code § 5091(c)**

If any of the legal requirements 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.

**Education Code § 5091(f)(1)(D)(2)**

No person shall permit the list of names on the 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(f)(1)(D)(3)**

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**

### **Special Election Called Due to Sufficient Petition:**

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 call a special election to be conducted no later than the **130<sup>th</sup> day** after the determination.

**Education Code § 5091(c)(2)**

However, if an established election date, as defined in Section 1000 of the Elections Code (**See Exhibit B regarding established election dates**), occurs between the **130<sup>th</sup> day** and the **150<sup>th</sup> day** following the order of the election, the County



Superintendent of Schools may call the special election to be conducted on the regular election date. **Education Code § 5091(c)(2)**

**Nomination Period:**

**Consolidated with a Regularly-Scheduled Election:** Notwithstanding any other provision of law, whenever other elections are consolidated with a regularly scheduled election, the period for the filing of nomination documents by candidates in elections consolidated with the regularly scheduled election shall commence on the **113th day** prior to the election. The nomination documents shall be filed no later than the close of business on the **88th day** prior to the regularly scheduled election in the office of the Orange County Registrar of Voters, during regular office hours.

**Elections Code § 10407(a)**

**Non-Consolidated Regularly-Scheduled Election:**

Vacancy elections, pursuant to subdivisions (b) and (c) of Education Code Section 5091, shall be conducted in as nearly the same manner as practicable as other governing board member elections. **Education Code § 5091(g)**

In any school district or community college district governing board election the name of any person shall be placed on the ballot, subject to Sections 35107 and 72103 of the Education Code, if there is filed with the county elections official having jurisdiction, not more than **113 days** nor less than **88 days** prior to the election, a declaration of candidacy containing the appropriate information in the blank spaces and signed by the person whose name is thereby to be placed on the ballot. **Elections Code § 10603(a)**

**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, whereupon an election shall be held to fill the vacancy for the remainder of the unexpired term. **(Short Term Seat)**  
**Education Code § 5091(e)**

**A person elected to fill a vacancy** shall hold office for the remainder of the term. **(Short Term Seat)**  
**Education Code § 5091(e)**

**A person elected at a regularly-scheduled governing board member election** shall hold office for a term of four years commencing on the first Friday in December following his or her election in November. **(Full Term Seat)**  
**Elections Code §§ 1302, 1302.5, 10404.5, 10405.7, Education Code § 5017**

## **VACANCIES IN COUNTY BOARD OF EDUCATION**

When any vacancy exists on the County Board of Education of any county on or after December 1, 1978, the vacancy shall be filled in the manner prescribed in Article 3, commencing with section 5090 of Chapter 1, Part 4, of the Education Code.

**Education Code § 1008**

Therefore, the vacancy will be filled in the same manner as that for school district governing board members. **(See pages 18-23 of this guide)**

### **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, whereupon an election shall be held to fill the vacancy for the remainder of the unexpired term. **(Short Term Seat)**

A person elected to fill a vacancy shall hold office for the remainder of the term.

**(Short Term Seat)**

**Education Code §§ 1008, 5091(e)**

**Members of the county board of education** shall be elected on the date and in the manner prescribed for members of governing boards of school districts provided the elections are held throughout the county on the same date. Otherwise, the election shall be consolidated with the direct primary election. Not all school districts in Orange County hold their elections on the same day.\* Therefore, the board of education member election is consolidated with the direct primary election. Members elected at the time of the direct primary election take office on the 1st day of July following the primary election for a four-year term. **(Full Term Seat)** Once established, no subsequent change of circumstances shall require that the time of holding the election be changed.

**Elections Code §§ 1302, 1302.5, 10404.5, Education Code § 1007**

**\*Rowland Unified School District holds its election in November of odd-numbered years (UDEL).**

# **VACANCIES IN SPECIAL DISTRICT BOARDS OF DIRECTORS**

## **ACTION REQUIRED BY THE SPECIAL DISTRICT BOARD OF DIRECTORS**

The district shall notify the Orange County Registrar of Voters' office of the vacancy no later than **15 days** following either the date on which the district board is notified of the vacancy or the effective date of the vacancy, whichever is later.

**Government Code § 1780(b)**

The remaining district board members have **60 days** immediately subsequent to either the date on which the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, to either fill the vacancy by appointment or by calling a special election.

**Government Code § 1780(c)(d)(1)**

### **Appointment to Fill Vacancies:**

If the Board decides to appoint someone to fill the vacancy, the Board first must post a notice of the vacancy in **three or more** conspicuous places in the district at least **15 days** before the appointment is made. **(See Exhibits G and H for application to serve on the board and sample notice)**

**Government Code § 1780(d)(1)**

The Board must notify the Orange County Registrar of Voters' office of the appointment no later than **15 days** after the appointment is made. **Government Code § 1780(d)(1)**

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(d)(2)**

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 the term of office, the person appointed to fill the vacancy shall fill the balance of the unexpired term of office.

**Government Code § 1780(d)(3)**

### **Election 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.

**Government Code § 1780(e)(1)**

The election shall be held on the next established election date that is **130 or more days** after the date the district board calls the election. **(See Exhibit B for established election dates)**

**Elections Code § 1000, Government Code § 1780(e)(2)**

### **Nomination Period:**

**Consolidated Special District Election:** Notwithstanding any other provision of law, whenever other elections are consolidated with a regularly scheduled election, the period for the filing of nomination documents by candidates in elections consolidated with the regularly scheduled election shall commence on the **113th day** prior to the election. The nomination documents shall be filed no later than the close of business on the **88th day** prior to the regularly scheduled election in the office of the Orange County Registrar of Voters, during regular office hours.

**Elections Code § 10407(a)**

**Non-Consolidated Special District Election:** Forms for declarations of candidacy for all district offices shall be obtained from the office of the county elections official. The county elections official, may for convenience or necessity, authorize the district secretary to issue declarations of candidacy. The forms shall first be available on the **113th day** prior to the general district election and shall be filed not later than **5:00 p.m.** on the **88th day** prior to the general district election in the office of the county elections official during regular office hours or may be filed by certified mail so that the forms reach the office of the county election official no later than the deadline for filing in that office.

**Elections Code § 10510**

### **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)(1)**

The election shall be held on the next established election date (**See Exhibit B for established election dates**) that is **130 or more days** after the date the city council or board of supervisors calls the election.

**Government Code § 1780(f)(2)**

### **Nomination Period:**

**Consolidated Special Election:** Notwithstanding any other provision of law, whenever other elections are consolidated with a regularly scheduled election, the period for the filing of nomination documents by candidates in elections consolidated with the regularly scheduled election shall commence on the **113th day** prior to the election. The nomination documents shall be filed no later than the close of business on the **88th day**

prior to the regularly scheduled election in the office of the Orange County Registrar of Voters, during regular office hours. **Elections Code § 10407(a)**

**Non-Consolidated Special Election:** Forms for declarations of candidacy for all district offices shall be obtained from the office of the county elections official. The county elections official, may for convenience or necessity, authorize the district secretary to issue declarations of candidacy. The forms shall first be available on the **113th day** prior to the general district election and shall be filed not later than **5:00 p.m.** on the **88th day** prior to the general district election in the office of the county elections official during regular office hours or may be filed by certified mail so that the forms reach the office of the county election official no later than the deadline for filing in that office. **Elections Code § 10510**

### **IF THE CITY COUNCIL OR BOARD OF SUPERVISORS FAILS TO ACT**

If within **90 days** of the date 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 or the appropriate board of supervisors or city council have not filled the vacancy and no election has been called for, then the district shall call an election to fill the vacancy. **Government Code § 1780(g)(1)**

The election shall be held on the next established election (**See Exhibit B for established election dates**) that is **130 or more days** after the date the district board calls the election.

**Government Code § 1780(g)(2)**

### **Nomination Period:**

**Consolidated Special Election:** Notwithstanding any other provision of law, whenever other elections are consolidated with a regularly scheduled election, the period for the filing of nomination documents by candidates in elections consolidated with the regularly scheduled election shall commence on the **113th day** prior to the election. The nomination documents shall be filed no later than the close of business on the **88th day** prior to the regularly scheduled election in the office of the Orange County Registrar of Voters, during regular office hours. **Elections Code § 10407(a)**

**Non-Consolidated Special Election:** Forms for declarations of candidacy for all district offices shall be obtained from the office of the county elections official. The county elections official, may for convenience or necessity, authorize the district secretary to issue declarations of candidacy. The forms shall first be available on the **113th day** prior to the general district election and shall be filed not later than **5:00 p.m.** on the **88th day** prior to the general district election in the office of the county elections official during regular office hours or may be filed by certified mail so that the forms reach the office of the county election official no later than the deadline for filing in that office. **Elections Code § 10510**

## **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. **Government Code § 1780(h)(1)**

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)(2)**

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(d)(2)**

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 the term of office, the person appointed to fill the vacancy shall fill the balance of the unexpired term of office.

**Government Code § 1780(d)(3)**

The election shall be held on the next established election (**See Exhibit B for established election dates**) that is **130 or more days** after the date the city council or board of supervisors calls the election.

**Government Code § 1780(h)(5)**

### **Nomination Period:**

**Consolidated Special Election:** Notwithstanding any other provision of law, whenever other elections are consolidated with a regularly scheduled election, the period for the filing of nomination documents by candidates in elections consolidated with the regularly scheduled election shall commence on the **113th day** prior to the election. The nomination documents shall be filed no later than the close of business on the **88th day** prior to the regularly scheduled election in the office of the Orange County Registrar of Voters, during regular office hours. **Elections Code § 10407(a)**

**Non-Consolidated Special Election:** Forms for declarations of candidacy for all district offices shall be obtained from the office of the county elections official. The county elections official, may for convenience or necessity, authorize the district secretary to issue declarations of candidacy. The forms shall first be available on the **113th day** prior to the general district election and shall be filed not later than **5:00 p.m.** on the **88th day** prior to the general district election in the office of the county elections official during regular office hours or may be filed by certified mail so that the forms reach the office of the county election official no later than the deadline for filing in that office. **Elections Code § 10510**

## **TERM OF OFFICE**

**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 the 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(d)(2)**

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

**Government Code § 1780(d)(3)**

**A person elected at a regularly-scheduled board of directors election or appointed in-lieu of election** takes office at noon on the first Friday in December following his or her election in November and shall serve for four years.

**Elections Code §§ 10404(b), 10554, 10507**

## **VACANCY OCCURS AFTER THE NOMINATION PERIOD DEADLINE**

### **INCUMBENT OR CHALLENGER FOR A NONPARTISAN OFFICE (ONLY CANDIDATES WHO QUALIFIED FOR THE BALLOT) DIES AFTER THE 88<sup>TH</sup> DAY BUT BEFORE THE 68<sup>TH</sup> DAY BEFORE THE ELECTION:**

Filing of Nomination Papers for a nonpartisan office, except for a judicial office, shall be reopened when an incumbent who is a candidate for a nonpartisan statewide countywide, or citywide office, or for a nonpartisan office that is elected by division, area, or district which he or she currently holds at an election at which only one other candidate, excluding any write-in candidates, has qualified to have his or her name placed on the ballot for that office and either the challenger or the incumbent dies after the **88<sup>th</sup> day** but before the **68<sup>th</sup> day** before the election. **Elections Code § 8027(a)**

**Nomination Period:** Any person qualified to be a candidate for the office for which either the deceased challenger or the deceased incumbent was a candidate may circulate and deliver Nomination Papers commencing the day after the death of either the challenger or the incumbent. Candidates shall be nominated in accordance with this part, except that Signatures-in-Lieu of Filing Fee Petitions shall not be made available and Nomination Papers shall be returned to the elections official no later than **5 p.m.** on the **68<sup>th</sup> day** before the election. **Elections Code § 8027(b)**

### **INCUMBENT OR CHALLENGER FOR A NONPARTISAN OFFICE (ONLY CANDIDATES WHO QUALIFIED FOR THE BALLOT) DIES AFTER THE HOUR OF 12:01 A.M. OF THE 68<sup>TH</sup> DAY BEFORE THE ELECTION:**

Notwithstanding any other provision of law, except for an election for a judicial office, an election shall not be conducted and no votes cast for the office shall be counted, and if counted the votes shall be null and void, if an incumbent is a candidate for a nonpartisan statewide, countywide, or citywide office, or for a nonpartisan office that is elected by division, area, or district, which he or she currently holds at an election at which only one other candidate, excluding any write-in candidates, has qualified to have his or her name placed on the ballot for that office, and either the challenger or the incumbent dies after the hour of **12:01 a.m. of the 68<sup>th</sup> day** before the election. **Elections Code § 8026(a)**

A special election shall be called and held when the death of the challenger or the incumbent occurs within the period set in Section 8026(a). The special election shall be called by the appropriate governing body within **14 days** after the death of the incumbent or challenger. The special election shall be held no later than **88 days** after the proclamation or resolution calling for the election. **Elections Code § 8026(b)**

**Nomination Period:** Candidates at the special election shall be nominated in accordance with this part, except that forms for securing Signatures-in-Lieu of Filing Fee need not be made available until **15 days** before the first day for circulating Nomination Papers. Signatures-in-Lieu of Filing Fee Petitions shall be filed at least **seven days** prior to the closing of the nomination period. Nomination Papers shall be delivered for filing to the elections official not less than **68 days** and not more than **87 days** before

the special election. Any Candidate's Statement shall be filed with the clerk no later than the **68<sup>th</sup> day** before the special election, and the Secretary of State shall conduct the randomized alphabet drawing under procedures similar to Sections 13112 and 13113 on the **67<sup>th</sup> day** before the special election. Any candidate who paid a Filing Fee in connection with the previously scheduled election shall not be required to pay any additional Filing Fee, but shall be required to file new Nomination Papers.

**Elections Code § 8026(b)**

**CANDIDATE FOR A NONPARTISAN OFFICE AT PRIMARY ELECTION DIES ON OR BEFORE ELECTION DAY:**

Whenever a candidate for nomination for a nonpartisan office at a primary election dies on or before the day of the election, and a sufficient number of ballots are marked as being voted for him or her to entitle him or her to be nominated if he or she had lived, a vacancy exists on the general election ballot, which shall be filled in the manner provided in Elections Code section 8807.

**Elections Code § 8805(a)**

If the vacancy occurs among candidates chosen at the direct primary election to go on the succeeding general election ballot for a nonpartisan office, the name of that candidate receiving the next highest number of votes shall appear on the ballot to fill the vacancy.

**Elections Code § 8807**

**VACANCY ON GENERAL ELECTION BALLOT FOR NONPARTISAN OFFICE:**

No vacancy on the ballot for a nonpartisan office at a general election shall be filled except if the candidate dies and that fact has been ascertained by the officer charged with the duty of printing the ballots at least **68 days** before the date of the next ensuing election.

**Elections Code § 8803(a)**

**CANDIDATE FOR A VOTER-NOMINATED OFFICE WHO QUALIFIED FOR THE BALLOT DIES AFTER 88 DAYS BUT NOT LESS THAN 83 DAYS BEFORE THE ELECTION:**

If a candidate who has declared a candidacy for a nomination at the direct primary election for a voter-nominated office dies after the last day prescribed for the delivery of nomination documents to the elections official as provided in Section 8020, but not less than **83 days** before the election, any person, regardless of his or her party preference or lack of party preference, may circulate and deliver nomination documents for the office to the elections official up to **5 p.m.** on the **74<sup>th</sup> day** prior to the election. In that case, the elections official shall, immediately after receipt of those nomination documents, certify and transmit them to the Secretary of State in the manner specified in this article.

**Elections Code § 8025**

**CANDIDATE FOR A VOTER-NOMINATED OFFICE WHO QUALIFIED FOR THE BALLOT DIES ON OR BEFORE ELECTION DAY:**

Whenever a candidate for nomination for a voter-nominated office at a primary election dies on or before the day of the election, and a sufficient number of ballots are marked as being voted for him or her to entitle him or her to be nominated if he or she had lived,

the name of the deceased candidate shall appear on the general election ballot and the general election shall proceed in accordance with subdivision (a) of section 8803.

**Elections Code § 8805(b)**

**VACANCY ON GENERAL ELECTION BALLOT FOR VOTER-NOMINATED OFFICE:**

No vacancy on the ballot for a voter-nominated office at a general election shall be filled. If a candidate who is entitled to appear on the general election ballot dies, the name will still appear on the ballot and any votes cast shall be counted.

If the deceased candidate receives the majority of votes cast, he or she shall be considered elected and the office shall be considered vacant at the beginning of the term for which the candidate was elected. The vacancy shall be filled in the same manner as if the candidate had died after taking office for the term.

**Elections Code § 8803(b)**

**GLOSSARY OF TERMS**

<b>Circulator of a Petition</b>	A person who gathers signatures on a petition and who must be 18 years of age or older <b>Elections Code § 102</b>
<b>Consolidation of Election</b>	Combining two or more elections called to be held on the same day, in the same territory, or In territory that is part the same <b>Elections Code § 1040</b>
<b>Established Election Dates</b>	Specific times for holding elections which are prescribed by law <b>Elections Code § 348</b>
<b>General Election</b>	Means either of the following: (1) The election held throughout the state on the first Tuesday after the first Monday of November in each even-numbered year; or (2) Any statewide election held on a regular election date as specified in Elections Code Section 1000 <b>Elections Code § 324</b>
<b>Mail Ballot</b>	A ballot received by a voter through the mail rather than the voter going to a polling place to cast his or her ballot <b>Elections Code § 4000</b>
<b>Nomination Documents</b>	Nomination Papers (petition) and Declaration of Candidacy <b>Elections Code § 8020</b>
<b>Nomination Period</b>	Timeframe for a person to be issued and to file nomination papers with the elections official to become a candidate for a specific elective office <b>Elections Code § 8020</b>
<b>Notice of Election</b>	A document to be published or posted containing the date of the election, names of offices for which candidates can file, qualifications required, location to obtain candidacy forms, and deadlines <b>Elections Code § 12112</b>
<b>Petition</b>	A formal, written document requesting a right or benefit from an authoritative body or to place an issue on the ballot

**GLOSSARY OF TERMS  
(CONTINUED)**

<b>Primary Election</b>	An election that includes all primary nominating elections provided by the Elections Code <b>Elections Code § 341</b>
<b>Provisional Appointment</b>	An individual selected to temporarily assume a position
<b>Regularly Scheduled Election</b>	An election, the specific time for the holding of which is prescribed by law <b>Elections Code § 348</b>
<b>Special Election</b>	An election, the specific time for the holding of which is not prescribed by law <b>Elections Code § 356</b>
<b>Term of Office</b>	Length of time a person holds a specific office
<b>Vacancy</b>	The condition of being unoccupied such as an elective office

## **ELECTION DATES**

### **ESTABLISHED ELECTION DATES**

The established election dates in each year are as follows:

- (a) The second Tuesday of April in each even-numbered year.
- (b) The first Tuesday after the first Monday in March of each odd-numbered year.
- (c) The first Tuesday after the first Monday in June in each year.
- (d) The first Tuesday after the first Monday in November of each year.

**Elections Code § 1000**

### **STATEWIDE ELECTION DATES:**

Elections held in June and November of each even-numbered year are statewide elections and these dates are statewide election dates. **Elections Code § 1001**

The statewide direct primary shall be held on the first Tuesday after the first Monday in June of each even-numbered year. **Elections Code § 1201**

The presidential primary shall be held on the first Tuesday after the first Monday in June in any year that is evenly divisible by the number four, and shall be consolidated with the statewide direct primary held in that year. **Elections Code § 1202**

The statewide general election shall be held on the first Tuesday after the first Monday in November of each even-numbered year. **Elections Code § 1200**

### **DATES OF STATE, COUNTY, MUNICIPAL, SPECIAL DISTRICT AND SCHOOL DISTRICT ELECTIONS:**

Except as provided in Elections Code Section 1003, notwithstanding any other provisions of law, all state, county, municipal, district, and school district elections shall be held on an established election date. **Elections Code § 1002**

### **EXCEPTIONS TO ESTABLISHED ELECTION DATES (Elections Code § 1003):**

To call an election on any other date, the jurisdiction must meet the criteria listed below.

- (a) Any special election called by the Governor.
- (b) Elections held in chartered cities or chartered counties in which the charter provisions are inconsistent with this chapter. **Orange County does have a Charter pertaining to Member, Board of Supervisors elections.**
- (c) School governing board elections consolidated pursuant to Section 1302.2 of the Elections Code or initiated by petition (calling for election of a school district trustee) pursuant to Section 5091 of the Education Code.

## **ELECTION DATES**

### **(Continued)**

- (d) Elections of any kind required or permitted to be held by a school district located in a chartered city or county when the election is consolidated with a regular city or county election held in a jurisdiction that includes 95 percent or more of the school district's population.
- (e) County, municipal, district, and school district initiative, referendum, or recall elections.
- (f) Any election conducted solely by mailed ballot pursuant to Division 4 (commencing with Section 4000 of the Elections Code). **(See Exhibit C)**
- (g) Elections held pursuant to Article 1 (commencing with Section 15100) of Chapter 1 (school and community college district bonds), or pursuant to Article 4 (commencing with Section 15340) of Chapter 2 (school facilities improvement district bonds) of, Part 10 of the Education Code. The school governing body can place a **2/3\*** vote school bond question on a ballot with an election to be held on any Tuesday except the day before of or after a state holiday.

**Education Code §§ 15100, 15340**

\*Proposition 39 passed by voters in November of 2000 authorized voters to pass certain school bond measures with 55% of the vote. Education Code Section 15266 was subsequently added by the Legislature (Chapter 44, 2000, Assembly Bill 1908) to clarify that such elections (those pertaining to bonds issued pursuant to art. XVI, sec. 18(b) of the California Constitution) would only be held on a regularly scheduled local or statewide election or a statewide special election – NOT on any Tuesday.

### **TUESDAY ELECTIONS:**

No election shall be held on any day other than a Tuesday, nor shall any election be held on the day before, the day of, or the day after, a state holiday.

**Elections Code § 1100**

### **SPECIAL ELECTION DATES:**

Each special election shall be held on one of the established election dates listed in Elections Code Section 1000 or the date of any statewide special election except as provided in Elections Code Section 1003 (See page 35 – Exceptions to Established Election Dates).

**Elections Code § 1400**

### **IN OTHER WORDS...**

Local jurisdictions have regularly-scheduled election dates established by the jurisdiction as to when their elected officials are on the ballot. In Orange County, we have the following scheduled elections:

**ELECTION DATES**  
**(CONTINUED)**

<b><u>OFFICE</u></b>	<b><u>TYPE OF ELECTION</u></b>	<b><u>YEAR</u></b>
President	Primary and General	2016, 2020, 2024
United States Senator (two seats)	Primary and General	2016, 2022 2018, 2024
Representative in Congress 38, 39, 45, 46, 47, 48, 49	Primary and General	2016, 2018, 2020, 2022, 2024, 2026
State Constitutional	Primary and General	2018, 2022, 2026
State Senate 29, 37	Primary and General	2016, 2020, 2024
State Senate 32, 34, 36	Primary and General	2018, 2022, 2026
State Assembly 55, 65, 68, 69, 72, 73, 74	Primary and General	2016, 2018, 2020, 2022, 2024, 2026
Superior Court Judges (staggered – 1/3 each Election)	Primary (General run-off if needed)	2016, 2018, 2020, 2022, 2024, 2026
Board of Supervisors 2, 4, 5	Primary (General run-off if needed)	2018, 2022, 2026
Board of Supervisors 1, 3	Primary (General run-off if needed)	2016, 2020, 2024
Orange County Elected Department Heads	Primary (General run-off if needed)	2018, 2022, 2026
Cities (staggered)	General	2018, 2020, 2022, 2024, 2026
Orange County Board of Education 2, 5	Primary (No run-off)	2018, 2022, 2026
Orange County Board of Education 1, 3, 4	Primary (No run-off)	2016, 2020, 2024

**ELECTION DATES**  
**(CONTINUED)**

<b><u>OFFICE</u></b>	<b><u>TYPE OF ELECTION</u></b>	<b><u>YEAR</u></b>
School Districts Governing Boards (staggered)	General	2018, 2020, 2022, 2024, 2026*
Special Districts Boards of Directors (staggered)	General	2018, 2020, 2022, 2024, 2026

\*Exception: Rowland Unified School District Governing Board elections are held in odd numbered years.

## **MAIL BALLOT ELECTIONS**

### **ESTABLISHED MAIL BALLOT ELECTION DATES**

- (a) The first Tuesday after the first Monday in May of each year.
- (b) The first Tuesday after the first Monday in March of each even-numbered year.
- (c) The last Tuesday in August of each year.

**Elections Code § 1500**

### **CONDITIONS FOR CONDUCTING ALL-MAIL BALLOT ELECTION**

A local, special, or consolidated election may be conducted wholly by mail provided that **all** of the following conditions apply:

- (a) The governing body of the local agency authorizes the use of mail ballots for the election.
- (b) The election is held on an established mail ballot election date pursuant to Elections Code Section 1500.
- (c) The election is one of the following:
  - (1) An election in which no more than 1,000 registered voters are eligible to participate.
  - (2) An election on a measure or measures restricted to (A) the imposition of special taxes, or (B) expenditure limitation overrides, or (C) both (A) and (B), in a city, county, or special district with 5,000 or less registered voters calculated as of the time of the last report of registration by the county elections official to the Secretary of State. NOTE: School districts are not listed.
  - (3) An election on the issuance of a general obligation water bond to fund acquisition and construction of works and facilities to enable the local public agency or improvement district to utilize the water supply secured by contract with the state in accordance with Section 12944.5 of the Water Code.
  - (4) An election or assessment ballot proceeding required or authorized by Article XIII C or XIII D of the California Constitution. This includes parcel tax elections regardless of the size or type of jurisdiction. However, when an assessment ballot proceeding is conducted by mail pursuant to this section, the following rules shall apply:
    - (A) The proceeding shall be denominated an “assessment ballot proceeding” rather than an election.
    - (B) Ballots shall be denominated “assessment ballots”.

**Elections Code § 4000**

## **MAIL BALLOT ELECTIONS (CONTINUED)**

NOTE: Proposition 218 was passed by voters in 1996 to require voter approval for assessments, property-related fees, and a variety of small general purpose taxes. Proposition 218 added Articles XIII C and XIII D to the California Constitution.

### **EXCEPTIONS FOR SPECIAL DISTRICTS TO CONDUCT ANY ELECTION BY ALL-MAIL BALLOT**

Notwithstanding Elections Code Section 4000, a special district may conduct its elections by mail in accordance with Elections Code Sections 1500, 4104, 4105, and 4108. **Elections Code § 4002**

Notwithstanding any other provisions of law and regardless of the number of eligible voters within its boundaries a district may, by resolution of its governing board, conduct any election by all mailed ballots pursuant to Division 4 commencing with Section 4000 of the Elections Code. An election conducted pursuant to this section shall be held on a date prescribed in Elections Code Section 1500 (See page 39) or on any other date other than an established election date (See page 35). **Elections Code § 4108**



### **“SMALL CITY” OR “ELIGIBLE ENTITY” MAIL BALLOT ELECTION**

- (a) “Small city” means a city with a population of 100,000 or less, as determined by the annual city total population rankings by the Demographic Research Unit of the Department of Finance.
- (b) “Eligible entity” means a school district or a special district.
- (c) Notwithstanding Elections Code Sections 1500 and 4000, an election in a small city or eligible entity may be conducted wholly as an all-mail ballot election, subject to the following conditions:
  - (1) The legislative body of the small city or the governing body of the eligible entity, by resolution, authorizes the use of mail ballots for the election.
  - (2) The election is a special election to fill a vacancy in the legislative body or governing body.
  - (3) The election is not held on the same date as a statewide primary or general election.
  - (4) The election is not consolidated with any other election.
  - (5) The return of voted mailed ballots is subject to Elections Code Section 3017.

**Elections Code § 4004**

## **CONSOLIDATED ELECTIONS**

### **CONSOLIDATION OF ELECTIONS**

Whenever two or more elections, including bond elections, of any legislative or congressional district, public district, city, county or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, they may be consolidated pursuant to this chapter upon the order of the governing body or bodies or officer or officers calling the elections.

The elections, whether held under a freeholder charter or under any state law, or both, may be consolidated, and different elections called by the same governing body may be considered.

**Elections Code § 10400**

### **ORDER OF CONSOLIDATION WITH STATEWIDE ELECTION**

Where one of the elections to be consolidated is a statewide election, the board of supervisors of the county in which the consolidation is to be effected may order the consolidation.

**Elections Code § 10401**

### **CONSOLIDATION PROCEDURES**

When local elections are to be consolidated, and no specific procedure is specified for their consolidation, the procedure set forth in Elections Code Section 10403 (see below) shall govern the consolidation, except that the governing body of the jurisdiction that receives a request for the consolidation, or an officer otherwise authorized by law, may order the consolidation.

**Elections Code § 10402**

### **FILING TIME FOR RESOLUTION REQUESTING CONSOLIDATION; TIME LIMIT FOR BALLOT TEXT**

Whenever an election called by a district, city or other political subdivision for the submission of any question, proposition, or office to be filled is to be consolidated with a statewide election, and the question, proposition, or office to be filled is to appear upon the same ballot as that provided for that statewide election, the district, city, or other political subdivision shall, at least **88 days** prior to the date of the election, file with the board of supervisors, and a copy with the elections official, a resolution of its governing board requesting the consolidation, and setting forth the exact form of any questions, proposition, or office to be voted upon at the election, as it is to appear on the ballot.

The question or proposition to appear on the ballot shall conform to this code governing the wording of propositions submitted to the voters at a statewide election. The resolution requesting the consolidation shall be adopted and filed at the same time as the adoption of the ordinance, resolution, or order calling the election. The names of the candidates to appear upon the ballot where district, city, or other political subdivision offices are to be filled shall be filed with the county elections official no later than **81 days** prior to the election.

**Elections Code § 10403**

## **CONSOLIDATED ELECTIONS (CONTINUED)**

### **SCHOOL DISTRICT OR COMMUNITY COLLEGE DISTRICT ELECTION CONSOLIDATION**

School district governing board or community college district governing board member elections for two or more districts of any type to be held in the same district or area on the same day shall be consolidated so that a person entitled to vote in both or all of such elections may do so at the same time and place and using the same ballot.

**Education Code § 5340**

When a consolidated election is required by this section to be held, the basic unit for conducting the election shall be the elementary district. The county superintendent of schools having jurisdiction shall notify the governing boards of all school and community college districts in writing at least **130 days** prior to the date of the election that a consolidated election is required to be held.

**Education Code § 5340**

Whenever any school district election or community college district election is scheduled to be held on the same day, in the same territory, or in territory that is in part the same, as an election or elections called to be held by any other district, city, county, or other political subdivision, the district election may be either completely or partially consolidated with the election or elections pursuant to Part 3 commencing with Elections Code Section 10400 of Division 10.

**Education Code § 5342**

The consolidation may be effected by the officer conducting the election upon receipt of resolutions from two or more political subdivisions whose boundaries are totally or partially the same territory calling elections to be held on the same day if the resolutions are delivered to the officer conducting the election at least **88 days** prior the date of the election.

**Education Code § 5342**

### **DISTRICT OR CITY SPECIAL ELECTION CONSOLIDATION WITH STATEWIDE SPECIAL ELECTION**

Notwithstanding any other provision of law, if a statewide special election is called less than **88 days** prior to the date of that election, a district, city, or other political subdivision may call for a special local election for the submission of any question, proposition, or office to be filled, to be consolidated with the statewide special election if the call is issued without **four days** from the date of issuance of the Governor's proclamation or the effective date of a statute calling for a statewide special election.

**Elections Code § 10406**

### **CANDIDATE FILING TIME FOR ELECTIONS CONSOLIDATED WITH REGULARLY SCHEDULED ELECTION**

Notwithstanding any other provision of law, whenever other elections are consolidated with a regularly scheduled election, the period for the filing of nomination documents by

## **CONSOLIDATED ELECTIONS (CONTINUED)**

candidates in elections consolidated with the regularly scheduled election shall commence on the **113<sup>th</sup> day** prior to the election. The nomination documents shall be filed not later than the close of business on the **88<sup>th</sup> day** prior to the regularly scheduled election in the office of the appropriate officer, during regular office hours.

**Elections Code § 10407(a)**

Notwithstanding subdivision (a) of Elections Code Section 10407, if nomination documents for an incumbent officer of a political subdivision are not filed by the close of business on the **88<sup>th</sup> day** before the election any person other than the person who was the incumbent on the **88<sup>th</sup> day** shall have until the close of business on the **83<sup>rd</sup> day** before the election to file nomination documents for the elective office. This section is not applicable where there is no incumbent eligible to be elected.

**Elections Code § 10407(b)**

### **NOTICE OF CONSOLIDATED ELECTION**

Where under any law of the state the precincts, polling places or names of members of precinct boards are required to be described or otherwise set forth in the ordinance, resolution, order, notice or other document calling, giving notice of or otherwise pertaining to any election, and the election is consolidated, in whole or in part, with another election, the ordinance, resolution, order, notice or other document need not describe or set forth the precincts, polling places and the names of precinct board members pertaining to the territory affected by the consolidation but may instead state that these precincts, polling places, and precinct board members shall be the same as those provided for the other election within the territory affected by the consolidation, and in that event, the ordinance, resolution, order, notice, or other document shall refer to some ordinance, order, resolution, or notice calling, providing for or giving notice of the other election and which sets forth these precincts, polling places, and the names of precinct board members. This reference may be made by giving the number and title or date of adoption of the ordinance, resolution, or order, or the date or proposed date of any publication of the notice and the name of the newspaper in which the notice has been or will be published, or by any other definite description. Notwithstanding the provision of any other provision of law, this reference need not be made in the case of an election consolidated with a statewide election.

**Elections Code § 10417**

**\*\*Sample\*\***

**PUBLIC NOTICE  
OF  
VACANCY AND PROVISIONAL APPOINTMENT  
(Education Code Section 5092)**

1. A vacancy on the governing board of the **(name of district)** School District has occurred by reason of the **(resignation or other reason)** effective **(date)**.
2. The resignation was filed in the office of the Orange County Superintendent of Schools on **(date)**.
3. **(Name of appointee)** was appointed by the governing board on **(date)** to fill the above named vacancy.
4. To challenge the appointment and order a special election, the following must be filed in the office of the Orange 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 1-1/2 percent of the number of registered voters of the district at the time of the last regular election for governing board members held within the **(name of district)**, or 25 registered voters of the 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 5 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

Date: \_\_\_\_\_

**NOTE:** Within 10 days of making a provisional appointment to fill a vacancy, this notice must be published at least once in a newspaper of general circulation published within the district. If there is no newspaper of general circulation published in the district, the notice need not be published.



**\*\*SAMPLE\*\***

**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: \_\_\_\_\_

<b>EDUCATION</b>			
<b>Institution</b>	<b>Major</b>	<b>Degree</b>	<b>Year</b>

<b>WORK/VOLUNTEER EXPERIENCE</b>				
<b>Organization</b>	<b>City</b>	<b>Position</b>	<b>From</b>	<b>To</b>

**\*\*SAMPLE\*\***

**APPLICATION FOR APPOINTMENT  
TO A SPECIAL DISTRICT VACANCY  
(Continued)**

**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

**\*\*SAMPLE\*\***

# **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 four-year term ending

\_\_\_\_\_, \_\_\_\_\_  
(mo, day) (year)

The seat will go to election

\_\_\_\_\_, \_\_\_\_\_  
(mo, day) (year)

for the unexpired portion  
of the term.

**Applications are available at the**

\_\_\_\_\_ District Office located at

**Address:** \_\_\_\_\_  
(Number and Street)

\_\_\_\_\_, \_\_\_\_\_  
(City) (State) (Zip)

**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 district from \_\_\_\_\_ to \_\_\_\_\_.