

FILLING A VACANCY FOR FEDERAL, STATE, JUDICIAL AND LOCAL OFFICES



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

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VACANCIES – DEFINITION

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 or 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 the 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.

Government Code §1770

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VACANCIES IN COUNTY OFFICES

Member, Board of Supervisors (General Law)

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

Government Code §25060

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

Government Code §25061

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

Government Code §25062

County Offices

- ❖ County Clerk Recorder Assessor & Registrar of Voters
- ❖ County Superintendent of Schools
- ❖ Auditor-Controller
- ❖ District Attorney
- ❖ Treasurer-Tax Collector & Public Administrator
- ❖ Sheriff-Coroner

The board of supervisors shall fill a vacancy by appointment. The appointee shall hold office for the un-expired term or until the first Monday after January 1st succeeding the next general election.

Government Code §25304

If on the first Monday after January 1st 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 1st immediately preceding the election.

Government Code §25304.5

Terms of Board of Supervisors and County Offices

County offices are up for election every four years at primary elections and, in the event of a run-off election, in November (general election) of even-numbered years.

While the law for filling vacancies in county offices does not specifically call for a primary and run-off general election should no candidate receive more than 50% of the vote, the decision in past vacancies has been to conduct the vacancy election as we would a regular election with a primary and general run-off election if needed as indicated by Elections Code §8140.

A regularly scheduled election for the county is held in June (primary) of even numbered years and, in the event of a run-off election, in November (general) of even-numbered years.

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VACANCIES ON 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 Section 1770 of the Government Code (see Vacancies – Definition), 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

Action Required by the Governing Board

Whenever a vacancy occurs 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 §5091 of the Education Code.

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 election, etc. should be sent to the Santa Barbara County Registrar of Voters as soon as possible.

Election Ordered

When an election is ordered, it shall be held on the next regular election date, not less than 130 days after the order of election.

Education Code §5091(b)

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

- (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 of each year.
- (d) The first Tuesday after the first Monday in November of each year.
- (e) The first Tuesday in February of each year evenly divisible by the number four.

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

Provisional Appointment

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

Education Code §5091(d)

Public Notice

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

1. Post a notice described below (***See Attachment A for sample notice,***) in at least three public places in the district; and
2. Publish the notice at least once in a newspaper of general circulation published within the district (Gov. Code §6061). If there is no newspaper of general circulation published in the district, notice need not be published.

Education Code §5092

A copy of the notice should be sent to the Santa Barbara County Registrar of Voters office.

Contents of Public Notice

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

1. 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
2. The full name of the provisional appointee to the board and the date of his/her appointment; and
3. 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. (***See Attachment B for 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:

- 1-½ 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

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)

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.
- D) The petition shall be prepared and circulated in conformity with Sections 100 and 104 of the Elections Code.

Education Code §5091 (f)

Who Can Sign Petition: Only a person who is an eligible registered voter at the time of signing the petition or paper is entitled to sign it. 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. A space at least one inch wide shall be left blank after each name for the use of the elections official in verifying the petition or paper. 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. See sample petition. (Elections Code §100)

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

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

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

- 1. That the circulator circulated that section and witnessed the appended signatures being written.
- 2. 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.

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 at length, including given name, middle name or initial, or initial and middle 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 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)

As a matter of practice, the Superintendent forwards the petitions to the Santa Barbara County Registrar of Voters office for signature checking. The Superintendent may decide if the petition is to be checked using a random sampling in accordance with Elections Code §9115 or to check 100 percent of the signatures. A certificate of the results of the petition checking will be forwarded to the County Superintendent of Schools.

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 130th day after the determination. However, if a regular election date, as defined in Section 1000 of the Elections Code, occurs between the 130th day and the 150th day following the order of election, the County Superintendent of Schools may call the special election to be conducted on the regular election date.

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.

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

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. (Gov. Code §6253.5)

Education Code §5091 (c)

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 un-expired term.

A person elected at an election to fill the vacancy shall hold office for the remainder of the term.

Education Code §5091(e)

A person elected at a regular biennial 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.

Education Code §5017

VACANCIES ON SPECIAL DISTRICT BOARDS

Action Required by the Governing Board

The district shall notify the Santa Barbara 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)

Appointments 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 Attachments C & D for sample notice and application to serve on a board)**

The Board must notify the Santa Barbara 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.

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) (2) (3)

Elections to Fill Vacancies

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

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.

Government Code §1780 (e) (2)

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

- (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 of each year.
- (d) The first Tuesday after the first Monday in November of each year.
- (e) The first Tuesday in February of each year evenly divisible by the number four.

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.

The election shall be held on the next established election date (see previous list) that is 130 or more days after the date the city council or board of supervisors calls the election.

Government Code §1780 (f) (1) (2)

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.

The election shall be held on the next established election (see previous list) that is 130 or more days after the date the district board calls the election.

Government Code §1780 (g) (1) (2)

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

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

The board of supervisors or the city council shall only fill enough vacancies by appointment or by election to provide the district board with a quorum.

The election shall be held on the next established election (see previous list) that is 130 or more days after the date the district board calls the election.

Government Code §1780 (h) (1) (2) (5)

Term of Office

If the vacancy occurs in the first half of a term of office and at least 130 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 (h) (3)

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 (h) (4)

A person elected at a regular board member 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 §10554, 10507

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FEDERAL, STATE & JUDICIAL OFFICES

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.

Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

See the U.S. Constitution, Amendment XXV for more provisions.

United States Senator

If a vacancy occurs in the representation of this state in the Senate of the United States, the Governor may appoint and commission an elector of this state who possesses the qualifications 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 un-expired 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 un-expired 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

Congressional and Legislative Offices

Governor's Proclamation: The Governor shall call all statewide special elections by issuing a proclamation pursuant to Elections Code §12000. In the case of a vacancy in a congressional or legislative office the Governor shall issue a proclamation, within 14 calendar days of the occurrence of the vacancy, calling a special election 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.

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)

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)

Time to Call Election: A special election to fill a vacancy in the office of Representative in Congress, State Senator, or Member of Assembly shall be conducted on a Tuesday at least 112 days, but not more than 126 days, following the issuance of an election proclamation by the Governor pursuant to Section 1773 of the Government Code, except that any special election may be conducted within 180 days following the proclamation in order that the election or the

primary election may 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.

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 eighth Tuesday or, if the eighth Tuesday is the day of or the day following a state holiday, the ninth Tuesday preceding the day of the special general election at which the vacancy is to be filled.

Nominations: Candidates at the primary election shall be nominated in the same manner as a regular election (Elections Code §8000, et. al.), except that nomination papers shall not be circulated more than 63 days before the primary election, shall be left with the Santa Barbara County Registrar of Voters office for examination not less than 43 days before the primary election, and shall be filed with the Secretary of State not less than 39 days before the primary election.

Elections Code §10704(a)

Absentee Ballot Requests: Applications for absent voter ballots may be submitted not more than 25 days before the primary election. However, if the special vacancy election is consolidated with a statewide election, the absentee period will begin on the 29th day before the election as usual. Applications received by Santa Barbara County Registrar of Voters office prior to the 25th day shall not be returned to the sender, but shall be held by Santa Barbara County registrar of Voters office and processed by him or her following the 25th day prior to the election in the same manner as if received at that time.

Elections Code §§ 3001, 10704 (c)

Ballot Layout: All candidates shall be listed on one ballot. 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 two candidates who receive the highest and second highest number of votes cast at the special primary election shall be place on the special general election ballot.

Elections Code §10706

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

Elections Code §10707

Governor

The Lieutenant Governor shall become Governor when a vacancy occurs in the office of Governor.

The Lieutenant Governor shall act as Governor during the impeachment, absence from the State, or other temporary disability of the Governor or of a Governor-elect who fails to take office.

CA. Const., 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 Senate and a majority of the membership of the Assembly and who shall hold office for the balance of the un-expired term.

In the event the nominee is neither confirmed nor refused confirmation by both the Senate and the Assembly within 90 days of the submission of the nomination, the nominee shall take office as if he or she had been confirmed by a majority of the Senate and Assembly; provided, that if such 90-day period ends during a recess of the Legislature, the period shall be extended until the sixth day following the day on which the Legislature reconvenes.

CA. Const., 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)

Supreme and Appellate Court Justices

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

The Governor shall fill vacancies in 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.

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.

CA. Const., Article VI, Section 16(d)

Superior Court Judge

Terms of judges of superior courts are 6 years beginning the Monday after January 1 following their election. A vacancy shall be filled by election to a full term at the next general election after the second January 1 following the vacancy, but the Governor shall appoint a person to fill the vacancy temporarily until the elected judge's term begins.

CA. Const., Article VI, Section 16(c)

The following opinions provide additional information on filling Superior Court vacancies.

- Department of Justice informal opinion re: Judicial Vacancies (Sept. 23, 1999)
- Legislative Counsel opinion Superior Court Vacancies (July 26, 1999)
- Judicial Council opinion Effect of Court Unification on Judicial Elections (June 28, 1999)

MEMBER, PARTY CENTRAL COMMITTEE/COUNTY COUNCIL

Democratic Party / American Independent Party

In the event of the appointment or election to a committee of an ineligible person, or whenever any member of the committee dies, resigns or becomes incapacitated to act, or moves from the jurisdiction of the committee, or ceases to be a member of this party, a vacancy exists which shall be filled by appointment by the committee in which the ineligibility or vacancy occurs. A vacancy also exists on a committee when a member is removed from the committee pursuant to Section 7213 or 7215 for the Democratic Party and Section 7658 or 7660 for the American Independent Party.

Elections Code §§7212, 7657

A committee may remove any member, other than an ex officio member who misses more than three consecutive regularly called meetings, unless his or her absence is caused by illness or temporary absence from the county on the date of the meeting.

Elections Code §§7213, 7658

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

Elections Code §§7214, 7659

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

Elections Code §§7215, 7660

Republican Party

In the event of the appointment or election to a committee of an ineligible person, or whenever any member of the committee dies, resigns or becomes incapacitated to act, or moves from the jurisdiction of the committee, or ceases to be a member of this party, a vacancy exists which shall be filled by appointment by the committee in which the ineligibility or vacancy occurs. A vacancy shall also exist on a committee when a member is removed from the committee pursuant to Section 7411 or 7413.

Elections Code §7410

A committee may remove any member, other than an ex officio member who misses four regularly called meetings within one 12-month period, shall be removed from the committee, unless his or her absence is caused by illness or temporary absence from the county on the date of the meeting.

A committee may, in its sole discretion and in accordance with its bylaws, remove a member other than ex-officio member, who misses four or more regularly called meetings within one 12-month period, regardless of the reasons for the absences.

Elections Code §7411

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

Elections Code §7413

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

Elections Code §7412

Libertarian Party / Peace and Freedom Party

For election purposes, the Libertarian party opted to utilize the provisions in the Elections Code pertaining to the Peace and Freedom Party.

Therefore, the Peace & Freedom Party County Central Committee and the Libertarian Party County Central Committee, in its sole discretion, may appoint such additional members to the county central committee, as it may desire.

Elections Code §7850

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

Elections Code §7853

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

Elections Code §7854

A committee may remove any elected or appointed member, who during the term of membership affiliates with, or registers as a member of another party, who publicly advocates that the voters should not vote for the nominee of this party for any office, or who gives support or avows a preference for a candidate of another party or candidate who is opposed to a candidate nominated by this party or has violated the bylaws or constitution of the committee.

Elections Code §7855

Green Party

In 1992, the Green Party became a qualified political party in California and was authorized to participate in the primary elections. Although there are no written guidelines as to how vacancies on the Green Party County Council are filled, vacancies would be filled by appointment by the remaining members.

Whenever new appointments are made to county central committees or county councils, committees obtain Certificates of Appointments and Oaths of Office from the Santa Barbara Registrar of Voters office. The signed originals are then filed with the Registrar of Voters office.
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PUBLIC NOTICE OF VACANCY AND PROVISIONAL APPOINTMENT

(Education Code §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)** of **(name of trustee)** effective **(date)**.
2. The resignation was filed in the office of the Santa Barbara 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 Santa Barbara 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 1-½ 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: _____

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****SAMPLE****

**PETITION FOR SPECIAL ELECTION
TO FILL THE VACANCY ON THE GOVERNING BOARD
OF THE _____ SCHOOL DISTRICT
IN SANTA BARBARA COUNTY**

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

- s/ Voter 1, 925 Anacapa St., Santa Barbara, CA 93101
- s/ Voter 2, 5700 Via Real, Carpinteria, CA 93103
- s/ Voter 3, 945 Ward Drive , Goleta CA 93117
- s/ Voter 4, 700 Anapamu St., Santa Barbara, CA 93102
- s/ Voter 5, 300 Garden St., Santa Barbara, CA 93101

Name and residence of at least one but not more than five proponents. Ed. Code §5091(f) (b)

Pursuant to Education Code §5091, we the undersigned, who are registered voters of the _____ School District of Santa Barbara County, California, hereby petition the County Superintendent of Schools to call a special election for the purpose of filling the vacancy on the governing board of said school district.

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

The Registrar of Voters Office in and for the County of Santa Barbara has estimated the cost of conducting the special election called pursuant to this petition to be approximately \$ _____ (insert estimated cost here) _____.

Official
Use Only

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

← 1" §100(b) →

DECLARATION OF PERSON CIRCULATING SECTION OF PETITION FOR A SPECIAL ELECTION

I, _____ declare:
(Print Name)

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

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

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

Executed on _____ at _____
(date) *(Place of signing)*

(Complete Signature of Petition Circulator)

It is recommended that you leave a 1" margin at the top, and a ½" margin on the left, right and bottom.

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APPLICATION FOR APPOINTMENT TO A SPECIAL DISTRICT VACANCY

Instructions

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

Date Due: _____

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

.....

DISTRICT: _____ DATE: _____

NAME: _____ AGE (optional): _____

RESIDENCE ADDRESS: _____

BUSINESS OR MAILING ADDRESS: _____

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

E-MAIL: _____

EDUCATION			
Institution	Major	Degree	Year

WORK / VOLUNTEER EXPERIENCE				
Organization	City	Position	From	To

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

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 4-year term ending December 20_____.

Eliminate this sentence if the seat is up for a full term in the next election.

{ The seat will go to election in November 20_____ for the final two years of the term.

Applications are available at the _____ District Office located at:

Phone: _____

Website: _____

Applications are due by: _____

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. Gov. Code §1780

Pursuant to Government Code §1780, this notice will be posted for 15 days in 3 or more conspicuous locations in the district from _____ to _____.

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