

How to Fill a Vacancy 2021



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Revised 5/17/2021

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This reference guide has been prepared in an effort to answer frequently asked questions. 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. Refer to the code sections cited for more information.

This guide is distributed with the understanding that the Ventura County Elections Division is not rendering legal advice and that this guide is, therefore, not to be a substitute for private legal counsel.

Unless otherwise indicated, all code sections referenced are from the California Elections Code.

Definition of Vacancy

A vacancy occurs when an elected office becomes empty, usually due to the death or resignation of the incumbent. For a full list of circumstances that can cause a vacancy, refer to Government Code §1770.

Vacancies in County Offices

When a vacancy occurs in an elective county office (except for Judge of the Superior Court or County Supervisor), or any office filled by appointment of the Board of Supervisors, the Board shall fill the vacancy by appointment. The appointee shall hold office for the remainder of the unexpired term or until the first Monday after January 1st succeeding the next general election.¹

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 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 the office and that person shall serve until the results of the election are declared. The person elected shall serve for the remainder of the term which began on the first Monday after January 1st immediately preceding the election.²

When a vacancy occurs because the person elected failed to file his or her oath or bond as required by law, and that same person is appointed to fill the vacancy, he or she shall hold office for the unexpired term.³

Board of Supervisors (General Law)

When a vacancy occurs on a county Board of Supervisors, the Governor fills the vacancy through appointment. The appointee shall hold office until the election and qualification of his or her successor.⁴

The election of a Supervisor to fill the vacancy for the remainder of the unexpired term will be held at the next general election unless the term expires on the first Monday after January 1st succeeding the election.⁵

County Superintendent of Schools

Notwithstanding Government Code §25304, the County Board of Education may fill by appointment any vacancy that occurs during the term of office of the County Superintendent of Schools. In a county in which the Superintendent of Schools is elected,

¹ G.C. §25304

² G.C. §25304.5

³ G.C. §25062

⁴ G.C. §25060

⁵ G.C. §25061

the appointee shall hold office until the office is filled by election at the next Gubernatorial Election.¹

Terms of County Offices

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

While the law for filling vacancies in county offices does not specifically call for a primary and run-off election should no candidate receive more than 50% of the vote, the decision in 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 §§8000 and 8140.

Vacancies on School District Governing Boards

Vacancies on school district governing boards or community college district boards may be caused by any of the events specified in Government Code §1770 or by a failure to elect a board member.

A vacancy resulting from resignation occurs when the written resignation is filed with the County Superintendent of Schools having jurisdiction over the district, unless the resignation specifies a deferred effective date, in which case the resignation shall become effective on that date. A written resignation, whether specifying a deferred effective date or otherwise, shall, upon being filed with the County Superintendent of Schools, be irrevocable.²

Action Required by the 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 shall, within 60 days of the vacancy or the filing of the deferred resignation either:

1. Order an election to fill the vacancy; or
2. Make a provisional appointment to fill the vacancy.

In the event that a governing board fails to make a provisional appointment or order an election within the prescribed 60-day period, the County Superintendent of Schools shall order an election to fill the vacancy.³

¹ Ed.C. §1042 (e)

² Ed.C. §§5090, 5091(a)

³ Ed.C §5091(a)

Although not required by law, as a matter of practice, a copy of the resignation, and copies of any notices, appointments, resolutions calling election, etc., should be sent to the Ventura County Elections Division as soon as possible.

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.¹

The established dates are as follows:²

- (a) The second Tuesday in April of 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.

Vacancy elections held pursuant to subdivisions (b) and (c) shall be conducted in as nearly the same manner as practicable as other governing board member elections.³

Provisional Appointment

A provisional appointment made pursuant to subdivision (a) of Education Code §5091 confers all powers and duties of a governing board member upon the appointee immediately following his or her appointment.⁴

Public Notice

Whenever a provisional appointment is made to fill a vacancy which occurs or will occur on the governing board of a school district, the board shall, within 10 days of the provisional appointment:⁵

1. Post a notice of the actual vacancy or the filing of a deferred resignation and the provisional appointment (see [Sample Notice – School District Vacancy](#)) in at least three public places in the district; and
2. Publish a notice pursuant to Government Code §6061 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.

A copy of the notice should also be sent to the Ventura County Elections Division.

¹ Ed.C. §5091(b)

³ Ed.C. §5091(g)

⁵ Ed.C. §5092

² E.C. §1000

⁴ Ed.C. §5091 (d)

Contents of Public Notice

The notice to be posted and published must state the following:¹

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.
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 County Superintendent of Schools within 30 days of the date of the provisional appointment, it shall become an effective appointment.

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 vacancy² (see [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:

- One and one-half percent of the number of registered voters of the district at the time of the last regular election for governing board members; or
- Twenty-five (25) registered voters.

However, in districts with fewer than 2,000 registered voters, a petition shall be deemed sufficient if signed by at least five percent of the number of registered voters of the district at the time of the last regular election for governing board members.³

Petition Requirements

When a petition calling for a special election is circulated, it must meet all of the following requirements:⁴

1. The petition shall contain the estimate of the Elections Official of the cost of conducting the special election.
2. 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 proponent must be a

¹ Ed.C. §5092

² Ed.C. §5091(c)(1)

³ Ed.C. §5091(c)(1)

⁴ Ed.C. §5091(f)(1)

registered voter of the school district or community college district, as applicable.

3. None of the text or other language of the petition shall appear in less than six-point type.
4. The petition shall be prepared and circulated in conformity with Sections 100 and 104 of the Elections Code.

Who Can Sign the Petition

Only a person who is registered to vote in the district at the time of signing the petition is entitled to sign it. Each signer shall personally affix his or her signature, printed name, and residence address including street and number (or, if no street or number exists, an explanation of how to locate the place of residence).

The part of a petition for the voters' signatures, printed names, and residence addresses shall be numbered consecutively commencing with the number one and continuing through the number of signature spaces allotted to each section. 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.¹ (see [Sample Petition](#))

Petition Circulator

Each section of the petition must include a declaration by the circulator (person gathering signatures) of that section of the petition, where the circulator will personally write in all of the following:²

- Printed name of the circulator
- Residence address of the circulator, including street and number (or, if no street or number exists, an explanation of how to locate the place of residence)
- Dates between which all signatures on the petition section were obtained

The circulator must then sign and date the declaration, certifying under penalty of perjury all of the following:

- That the content of the declaration is true and correct
- That the circulator circulated that section and witnessed each signature being written
- That according to the best information and belief of the circulator, each signature is the genuine signature of the person whose name it purports to be
- That the circulator is 18 years of age or older

¹ E.C. §100

² E.C. §104

Filing the Petition

The petition must be submitted to the County Superintendent of Schools within the 30 day period following the provisional appointment. The County Superintendent of Schools then has 30 calendar days to verify the signatures.

As a matter of practice, the County Superintendent of Schools forwards the petitions to the Ventura County Elections Division for signature verification. The Superintendent may decide to have the petition checked using a random sampling of signatures in accordance with Elections Code §9115. 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 will be terminated and the Superintendent will order a special election to be conducted no later than the 130th day after the determination. However, if an established election date, as defined in Elections Code §1000, occurs between the 130th day and the 150th day following the order of the election, the County Superintendent of Schools may order the special election to be conducted on the regular election date.¹

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.²

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.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.⁴

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. At that time, an election shall be held to fill the vacancy for the remainder of the unexpired term in which the vacancy occurred.

A person elected at an election to fill the vacancy shall hold office for the remainder of the term in which the vacancy occurs or will occur.⁵

¹ Ed.C. §5091(c)(2)

² Ed.C. §5091(f)(2)

³ Ed.C. §5091(f)(3)

⁴ G.C. §6253.5

⁵ Ed.C. §5091(e)

A person elected at a regular biennial governing board member election shall hold office for a term of four years beginning on the first Friday in December following his or her election in November.¹

Vacancies on Special District Boards

Action Required by the Governing Board

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

The remaining district board members have 60 days immediately following either the date on which the district board is notified of the vacancy or the effective date of the vacancy; whichever is later, to fill the vacancy either:²

1. By appointment; or
2. By calling a special election.

Appointments to Fill Vacancies

If the Board decides to appoint someone to fill the vacancy, the Board must first post a notice of the vacancy in three or more conspicuous places in the district at least 15 days before the appointment is made³ (see [Sample Application for Appointment](#) and [Sample Notice – Special District Vacancy](#)).

The Board must notify the County Elections Division of the appointment no later than 15 days after the appointment is made. The person appointed 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 elected at that election to fill the vacancy has been qualified.

The person elected to fill the vacancy shall fill the balance of the unexpired term. If the term of office is due to expire following the next general district election and that election is scheduled 130 or more days after the date the County Elections Official is notified of the vacancy, the person appointed to the vacancy shall fill the balance of the unexpired term of his or her predecessor.⁴

¹ Ed.C. §5017

² G.C. §1780

³ G.C. §1780(d)(1)

⁴ G.C. §1780

Elections to Fill Vacancies

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

The election shall be held on the next established election date that is 130 or more days after the date the district board calls the election.¹

A regular election is defined as:²

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

If the District Board Fails to Act

If the vacancy is not filled by the district board by either making an appointment or calling a special 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), the following shall occur:

Within the next 30 days, 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 fill the vacancy by appointment 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 may order the district to call an election to fill the vacancy.

The election shall be held on the next established election date (see [Elections to Fill Vacancies](#)) that is 130 or more days after the date the City Council or Board of Supervisors calls the election.³

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

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 board member, the Board of Supervisors or the City Council may waive the 60-day period during which time the district board is allowed to take action, but cannot because there is no quorum, and move directly to the 30-day period where the City Council or Board of Supervisors may take action.

¹ G.C. §1780

² E.C. §1000

³ G.C. §1780(f)(1)(2)

Again, the Council or Board may either appoint immediately to fill the vacancy or may call an election to fill the vacancy.

The election shall be held on the next established election date (see [Elections to Fill Vacancies](#)) that is 130 or more days after the date the district board calls the election.

The Board of Supervisors or the City Council shall only fill enough vacancies to provide the board with a quorum.¹

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), no action has been taken by any governing body to fill the vacancy by appointment or by calling for a special election, the district must call an election to fill the vacancy. The election shall be held on the next established election date (see [Elections to Fill Vacancies](#)) that is 130 or more days after the date the district board calls the election.²

Term of Office

A person appointed to fill a vacancy shall hold office only 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 elected at that election to fill the vacancy has been qualified to fill the vacancy for the remainder of the unexpired term of office.³

Other Districts Not Covered by Government Code §1780

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

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

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

¹ G.C. §1780(h)(1)(2)

² G.C. §§1779, 1780(g)(1)(2)

³ G.C. §1780(h)(3)

Federal, State, and Judicial Offices

Congressional and Legislative Offices

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.¹

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 in accordance with §10703. A copy of the proclamation shall be sent to the Board of Supervisors of every affected county.²

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 or her discretion.

When a vacancy occurs in a legislative office after the close of the nomination period in the final year of the term of office, no special election shall be held.³

Time to Call 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 Government Code §1773. 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

¹ E.C. §10720

² E.C. §10700

³ E.C. §10701

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.

Except as provided in Chapter 3 (beginning with §10730), a special election or a primary election may not be conducted on the day after a state holiday.¹

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.²

Nomination Papers

Nomination papers shall not be circulated more than 73 days before the primary election, shall be left with the County Elections Official for examination not less than 53 days before the primary election, and shall be filed with the Secretary of State not less than 53 days before the primary election.³

Vote By Mail Ballot Requests

Applications for Vote By Mail ballots may be submitted not more than 29 days before the primary election. The Vote By Mail period will begin on the 29th day before the election as usual. Applications received by the Elections Official prior to the 29th day shall not be returned to the sender, but shall be held by the Elections Official and processed by him or her following the 29th day prior to the election in the same manner as if received at that time.⁴

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. 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.⁵

General, Run-Off Ballot

If no candidate receives a majority of votes cast, the names of the candidates who receive the highest or second highest number of votes cast at the special primary election shall be placed on the special general election ballot.⁶

¹ E.C. §10703(a)(b)

² E.C. §10704(a)

³ E.C. §10704(a)

⁴ E.C. §§3001, 10704

⁵ E.C. §10705

⁶ E.C. §10706

The name of a write-in candidate shall not be placed on the ballot unless he or she receives the highest or second highest number of votes cast in the primary election for that office. In the case of an office that has not appeared on the ballot since its creation, the requisite number of votes shall equal one percent of the number of all votes cast for the office that had the least number of votes in the most recent general election in the jurisdiction in which the write-in candidate is seeking office.

In addition to the candidates referred to, each candidate who has qualified for the ballot by reason of the independent nomination procedure in Elections Code §8300, et al., shall be placed on the special general election ballot as an independent candidate.¹

Order of Contests 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.²

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.³

Other State Constitutional Offices

Whenever there is a vacancy in the office of the Superintendent of Public Instruction, the Lieutenant Governor, Secretary of State, Controller, Treasurer, or Attorney General, or on the State Board of Equalization, the Governor shall nominate a person to fill the vacancy who shall take office upon confirmation by a majority of the membership of the Senate and a majority of the membership of the Assembly and who shall hold office for the balance of the unexpired term.

In the event the nominee is neither confirmed nor refused confirmation by both the Senate and the Assembly within 90 days of the submission of the nomination, the nominee shall take office as if he or she had been confirmed by a majority of the Senate and Assembly; provided that, if such 90 day period ends during a recess of the Legislature, the period shall be extended until the sixth day following the day on which the Legislature reconvenes.⁴

¹ E.C. §§8605

² E.C. §10707

³ CA Const. Article V §10

⁴ CA Const. Article V §5(b)

Proposition 103, an initiative statute passed by voters in November 1988, established the office of the State Insurance Commissioner. Should a vacancy occur during the term of office, legislative confirmation shall be required for the position of commissioner in the same manner and procedure as that required by Section 5 of Article V of the California Constitution.¹

Judicial Offices

Supreme and Appellate Court Justices

Within 30 days before August 16th 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 16th, 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 of 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 1st 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.²

Superior Court Judge

Terms of Judges of Superior Courts are six years beginning the Monday after January 1st following their election. A vacancy shall be filled by election to a full term at the next general election after the second January 1st following the vacancy, but the Governor shall appoint a person to fill the vacancy temporarily until the elected judge's term begins.³

Party Central Committees / County Council

Whenever new appointments are made to county central committees or county councils, committees may obtain Oaths of Office from the County Elections Division. Signed original Oaths are then filed with the County Clerk.

¹ Ins.C. §12900

² CA Const. Article VI
§16(d)(1-3)

³ CA Const. Article VI §16(c)

Democratic Party / Republican Party / American Independent Party

In the event of the appointment or election to a committee of an ineligible person, or whenever any member of a committee dies, resigns or becomes incapacitated to act, or moves out of the jurisdiction of the committee, or ceases to be a member of the party, a vacancy exists which shall be filled by appointment by the committee in which the ineligibility or vacancy occurs. A committee may remove any member, other than an ex officio member, if:

- The member 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.
- The member, during his or her term of membership affiliates with, or registers as a member of another party, publicly advocates that the voters should not vote for the nominee of the party for any office, or gives support to or avows a preference for a candidate of another party or candidate who is opposed to a candidate nominated by the party.
- A member of the Republican Party Committee misses four regularly called meetings within one 12-month period, regardless of the reasons for the absences.

The removal of residence by an elected or appointed member of a committee from the Assembly district or supervisorial district from which he or she has been elected or appointed a member of that committee shall constitute his or her automatic resignation from the committee.¹

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

A committee may remove any member if:

- The member 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.
- The member, during his or her term of membership affiliates with, or registers as a member of another party, publicly advocates that the voters should not vote for

¹ E.C. §§7212-7215, 7410-7413, 7467, 7657-7660

the nominee of the party for any office, or gives support to or avows a preference for a candidate of another party or candidate who is opposed to a candidate nominated by the party.

The removal of residence by an elected or appointed member of a committee from the Assembly district or supervisorial district from which he or she has been elected or appointed a member of that committee shall constitute his or her automatic resignation from the committee.¹

Green Party

At each presidential primary election, members of central committees, which shall be termed “county councils,” shall be elected in each county.²

At its first meeting following the presidential primary election and at subsequent meetings, a county council may appoint additional members to the county council to fill any vacancy.³ A vacancy may occur due to:⁴

- The removal of residence by an elected or appointed member of a county council from the applicable county.
- A member of a county council who changes his or her voter registration to no longer prefer the Green Party.
- Removal for cause by procedures established in the Green Party’s bylaws.

A person shall not be appointed to membership on a county council who is registered as preferring another party or registered as “No Party Preference.” Appointment of other persons who cannot register to vote shall be allowed under certain circumstances as described in state Green Party bylaws and any applicable county Green Party bylaws.⁵

When a person is appointed to a county council, the county council shall file notices of the appointment with the county elections official and the coordinating committee of the Green Party within 30 days after the appointment is made. The notices shall contain the name and address of the person appointed and shall indicate the date of the appointment.⁶

¹ E.C. §§7850, 7853-7855

² §7901

³ E.C. §7904

⁴ E.C. §7906-§7908

⁵ E.C. §7905

⁶ E.C. §7909

Sample Notice – School District Vacancy

PUBLIC NOTICE OF VACANCY AND PROVISIONAL APPOINTMENT

(Education Code §5092)

1. A vacancy in the membership of 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 Ventura County Superintendent of Schools on (date).
3. (Name of appointee) was provisionally appointed by the Governing Board on (date) to fill the above-named vacancy.
4. The provisional appointment shall become effective unless a petition calling for a special election, containing a sufficient number of signatures, is filed in the office of the Ventura 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 five percent of the number of registered voters of the district at the time of the last regular election for governing board members.

Governing Board of the (name of district)

Governing Board Secretary/Clerk

Date: _____

Sample Petition

PETITION FOR SPECIAL ELECTION TO FILL THE VACANCY ON THE GOVERNING BOARD OF THE (NAME OF DISTRICT) SCHOOL DISTRICT IN VENTURA COUNTY

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

s/ Voter 1, 5126 Band Blvd., Ventura, CA 93023
 s/ Voter 2, 250 Poppyseed Ct., Ojai, CA 93001
 s/ Voter 3, 168 Maple Rd., Ventura, CA 93017
 s/ Voter 4, 459 Tessa Cir., Oak View, CA 93024
 s/ Voter 5, 29 Macadue Ave., Ventura, CA 93415

}

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

Pursuant to Education Code §5091, we the undersigned, who are registered voters of the (name of district) School District of Ventura County, California, hereby petition the County Superintendent of Schools to call a special election for the purpose of filling the vacancy on the Governing Board of said school district.

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

The County Clerk in and for the County of Ventura 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	← 1 Inch →
	Your Signature as Registered to Vote	City, State Zip	

DECLARATION OF PERSON CIRCULATING SECTION OF PETITION FOR A SPECIAL ELECTION

I, _____, declare:

1. My residence address is _____, in _____ County, California.
(street address and city) (name of county)

2. I am 18 years of age or older.

3. I personally circulated the attached petition for signing.

4. 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 of the person whose name it purports to be; and

5. The appended signatures were obtained between the dates of _____ and _____, inclusive.
(starting date) (ending date)

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

Executed on _____ at _____, California.
(date) (city or community where signed)

(signature)

It is recommended to leave a 1" margin at the top, and a 1/2" margin on the left, right and bottom.

Sample Application for Appointment

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

Sample Notice – Special District Vacancy

NOTICE OF VACANCY

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

_____ (insert name of district) _____

Board of Directors

The position to be filled is a 4-year term ending December 20__.

Omit 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 _____ (insert name of district) _____

district office located at _____ (insert address) _____

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