

**COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY**

Subject

Appointment to Fill Vacancies and Cancellation of Election where Insufficient Nominations Filed Prior to Uniform District Election and Citizen Planning Group Election

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Purpose

To provide a procedure for the Board of Supervisors to fill vacancies on governing boards of -districts and on citizen planning groups where insufficient nominations have been filed prior to the election and by law no election need therefore be held.

Background

Prior to the enactment of Division 10, Part 4, of the Elections Code (commencing with Section 10500), vacancies in elective offices of a district were filled either by appointment made by the remaining members of the governing boards of such districts or by district elections held pursuant to the applicable principal act.

Section 10515 of the Elections Code now provides that no election need be held if on the 83rd day prior to the day fixed for a general district election there are insufficient nominees. The Registrar of Voters upon such insufficiency is required to file a certificate of these facts with the Board of Supervisors. At a regular or special meeting held prior to the Monday before the first Friday in December, the Board of Supervisors is then required to appoint to such office or offices the person or persons, if any, who have been nominated. If no person has been nominated, Section 10515 further provides that the Board shall appoint to such office or offices a person or persons who are qualified on the date when the election would have been held.

Board of Supervisors Policy I-1 provides that elections of citizen planning groups shall be administered according to the Elections Code. Policy I-1 provides for canceling the election if the number of nominations does not exceed the number of members of such planning group to be elected at such election; it provides for appointments of members thereto under such circumstances.

Policy

It is the policy of the Board of Supervisors that:

1. No election shall be held either to fill vacancies on the governing boards of districts governed by the Uniform District Election Law (Elections Code Section 10500 et. seq.) or to fill vacancies on citizen planning groups governed by Board of Supervisors Policy I-1 whenever by 5:00 p.m. on the 83rd day prior to the day fixed for the general district election or for the election to fill vacancies on any citizen planning group any of the following as applicable shall occur:

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- a. Only one person has been nominated for any elective office in a district or elective membership in a planning group to be filled at such election.
 - b. No one has been nominated for such office or planning group.
 - c. The number of nominees does not exceed the number of offices to be filled at such election or in the case of citizen planning groups the number of nominees does not exceed the number of members to be elected at such election.
 - d. In the case of directors to be nominated by division and elected at large, the number of nominees from such division does not exceed the number required to be elected from it and a petition signed by the required number of voters, requesting that the general election be held has not been presented to the officer conducting the election.
2. The Registrar of Voters upon notice of facts within any of the above applicable contingencies shall submit such written notice to the Board of Supervisors within forty- five days after the completion of the nomination process pursuant to Elections Code Section 10515 and 10516. This notice shall include the name of the district or planning group affected, the number of vacancies to be filled, the names of the candidates who have qualified for the ballot, and the names of any persons who have taken out nomination papers, but did not return them for qualification. The Registrar shall further notify the member or members of the Board whose Supervisorial district or districts encompass the special district or citizen planning group where such applicable contingencies may occur and advise such member or members that recommendations to fill vacancies as herein prescribed may be timely presented to the Board.
3. If no person has been nominated for an office of a district or for election to a citizen planning group, the member or members of the Board whose Supervisorial district or districts encompass the special district or citizen planning group where such insufficiency may occur shall timely recommend to the Board a person or persons to fill such vacancy or vacancies. Prior to making such recommendation to the Board, the Supervisor making the recommendation shall direct the Clerk of the Board of Supervisors Office to inform the person who has been recommended to fill the vacancy of the requirements of the Political Reform Act.
4. When a district or citizen planning group spans multiple districts through its geographic boundaries and the applicable law, bylaws, or formation regulations do not describe which Supervisorial District has the nominating authority, the Supervisor whose District has a preponderance of the population shall submit the nomination. If more than one Supervisorial District has an equal amount of the population, the Clerk of the Board shall identify a rotation for the nominations.

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- 4.5. At a regular or special meeting held prior to the last Monday before the first Friday in December the Board of Supervisors shall:
- a. Appoint to the office or offices of the district or districts the person or persons, if any, who have been nominated thereto.
 - b. Appoint to the planning group or groups the person or persons, if any, who have been nominated thereto.
 - c. If no person has been nominated for an office of a district, the Board shall appoint the person recommended to fill the vacancy in such office by the member of the Board in whose Supervisorial district such elective office is located. The person so appointed shall qualify and take office and serve exactly as if elected at a general district election for such office.
 - d. If no person has been nominated for election to fill a vacancy for membership in a planning group, the Board shall appoint the person recommended to fill the vacancy of such planning group by the member of the Board of Supervisors in whose Supervisorial district such planning group is located. The person so appointed shall qualify and become a member of the planning group, and serve exactly as if elected at the election for such planning group.

Sunset Date

This policy will be reviewed for continuance by 12-31-29.

Board Action

4-4-78 (57)
 10-6-82 (58)
 10-30-84 (96)
 1-22-86 (12)
 10-18-88 (48)
 11-3-92 (32)
 4-4-95 (28)
 12/8/98 (53)
 3-12-2002 (10)
 12-09-08 (33)
 04-07-09 (7)
 11-15-16 (15)
 REVISION DATE

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CAO Reference

1. Registrar of Voters
2. Clerk of the Board