

What creates a vacancy on the BOS?

California Government Code section 1770, titled "Events causing vacancy before expiration of term" states: "An office becomes vacant on the happening of any of the following events before the expiration of the term: . . . (c)(1) "His or her resignation. . ." There are 13 other events that can cause a vacancy.

Supervisor Scrivner's resignation is effective today, August 2, 2024, and thus a vacancy now exists on the Kern County Board of Supervisors.

What happens if there is a vacancy?

Section I:

California Government Code section 25060 states, "Whenever a vacancy occurs in a board of supervisors, the Governor shall fill the vacancy. The appointee shall hold office until the until the election and qualification of a successor."

The election of a successor supervisor to fill the unexpired term is held at the next general election following the creation of the vacancy, unless the term expires on the first Monday after January 1st succeeding the election (California Government Code 25061). Supervisor Scrivner's term runs through 2026. Supervisor seats are not filled by a special election.

Accordingly, the timing of the vacancy determines when an election for a successor is held.

There also must be sufficient time for candidates to qualify for the ballot, meaning the timelines and deadlines contained in the California Elections Code must be followed.

The next general election is November 5, 2024. Although the primary election has already occurred, it is not technically too late for the "independent nomination process" to allow a candidate to be placed on the November 5, 2024 ballot. This process provides a method for candidates to be nominated by petition without running in the primary elections and

may be used in lieu of a primary election (California Elections Code section 8300).

However, nomination papers must be submitted to the County Elections Official at least 88 days before the date of the election (California Elections Code section 8403(a)). This means that for the November 5, 2024 general election, the deadline to submit completed nomination paperwork is **August 9, 2024** which is 88 days prior to the election.

The winning candidate would take office upon certification of the election results.

What happens if the August 9, 2024, deadline cannot be met or no one submits nomination papers?

Section II:

If the August 9, 2024 deadline cannot be met or no one submits nomination papers to qualify for the November 5, 2024 election, the election to fill the District 2 seat will be on the ballot of the next general

election. This is a confusing structure but the possible dates are:

The first Tuesday after the first Monday in March of each even-numbered year that is evenly divisible by four; or

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

The second Tuesday of April in each even-numbered year; or

The first Tuesday after the first Monday in June in each even-numbered year that is not evenly divisible by four; or

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

These dates are found in the California Elections Code at sections 324 and 1000.

It is important to note there cannot be an election to vote only for a Board of Supervisor's seat on these dates; there must be a concurrent state-wide election held on that date.

Under this framework, the next general elections following the November 5, 2024 election will be held in 2025; however, at this time, the California Secretary of State has not listed or disclosed any statewide elections occurring in 2025. If, however, a 2025 statewide election is scheduled such will be scheduled for March 4, 2025 which is the first Tuesday after the first Monday in March, 2025. The election after the March 4, 2025 election will be November 4, 2025. (Again, elections on these dates have not yet been set by the Secretary of State.)

If there are no statewide elections in 2025, the provisions of California Government Code section 25061 ("Unless the term expires on the first Monday after January 1st succeeding the election") will take effect. This means an election during the final year of Supervisor Scrivner's term, which runs through 2026, would occur in the ordinary course of the scheduled

election cycle, with the primary election held on June 2, 2026 and the general election held on November 3, 2026.

This complicated structure is found in various places in the Elections and Government Code (California Elections Code sections 1300, 8140 and 8141; California Government Code section 25060).

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