



LOS ANGELES COUNTY
REGISTRAR-RECORDER/COUNTY CLERK

DEAN C. LOGAN



Los Angeles County Registrar-Recorder/County Clerk

**HOW TO FILL A VACANCY FOR
A SPECIAL DISTRICT OFFICE**

This reference guide has been prepared in an effort to provide answers to frequently asked questions concerning vacancies in local offices. It is for general information only and does not have the force and effect of law.

HOW TO FILL A VACANCY

Pursuant to **Government Code Section § 1770** an office becomes vacant due to the occurrence of any of the following events before the expiration of the term:

The death of the incumbent.

An adjudication pursuant to a quo warranto proceeding declaring that the incumbent is physically or mentally incapacitated due to disease, illness, or accident.

Their resignation.

Their removal from office.

Their 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 their office are required to be discharged.

Their absence from the state without the permission required by law beyond the period allowed by law.

Their ceasing to discharge the duties of their 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.

Their conviction of a felony or of any offense involving a violation of their official duties. An officer shall be deemed to have been convicted under this subdivision when trial court judgment is entered.

Their refusal or neglect to file their required oath or bond within the time prescribed.

The decision of a competent tribunal declaring void their election or appointment.

The making of an order vacating their office or declaring the office vacant when the officer fails to furnish an additional or supplemental bond.

Their 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.

VACANCY IN OFFICE OF A SPECIAL DISTRICT

VACANCY — The district shall notify the county elections official 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. **Gov. Code § 1780 (a) and (b).**

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 that is 130 or more days after the date the district board calls the election. **Gov. Code § 1780 (g) (2)**

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, and 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. **Gov. Code § 1780 (g) (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. **Gov. Code § 1780 (g) (2)**

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 county elections official 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.

ELECTION — A person elected at an election to fill the vacancy shall hold office for the remainder of the unexpired term. **Gov. Code § 1780 (d) (2)**

TERM OF OFFICE — 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 next following the general district election and shall serve for four years. **Elec Code § 10554, 10507**

LACK OF QUORUM TO ACT WITHIN 60 DAYS — If the number of remaining members of the district board falls below a quorum, at the request of the district secretary, or a remaining board member, the Board of Supervisors or the city shall appoint a person or call an election. **Gov. Code § 1780 (h) (1)**

The Board of Supervisors or the city council shall only fill enough vacancies to provide the board with a quorum. **Gov. Code § 1780 (h) (2)**

For Municipal Water Districts, directors elected to office shall take office at noon on the first Friday in December succeeding their election. **Water Code § 71253**