

**FULL TEXT OF MEASURE G
COUNTY OF ORANGE**

ORDINANCE NO. ___

AN ORDINANCE OF THE COUNTY OF ORANGE, CALIFORNIA, MAKING CHANGES TO THE
CHARTER OF ORANGE COUNTY RELATING TO THE FILLING OF SUPERVISORIAL VACANCIES,
AND AMENDING ARTICLE I, SECTION 103 OF THE CHARTER OF ORANGE COUNTY

The People of the County of Orange, California, hereby ordain as follows:

SECTION 1: Article I, Section 103 of the Charter of Orange County is amended to read:

103. Filling of Vacancies.

Notwithstanding any other provision of law, whenever a vacancy occurs in the office of supervisor, the vacancy shall be filled as follows:

- A. *If, at the time the vacancy occurs, the remaining term of office is 365 days or greater, then the vacancy shall be filled by a vote of the electors of that district at a special election to be called by the Board of Supervisors not less than 56 days nor more than 70 days after the vacancy occurs, except that if the vacancy occurs within 180 days of a regularly scheduled election held throughout the supervisorial district, the election to fill the vacancy may be consolidated with that regularly scheduled election. The person receiving the highest number of votes in that election shall fill the vacancy.***
 - B. *If, at the time the vacancy occurs, the remaining term of office is less than 365 days, but greater than 180 days, the vacancy shall be filled by any person receiving a majority of the votes in the statewide primary election that year. If that person for any reason does not assume the office for the remainder of the term, or if no person receives a majority of votes cast for supervisor in that district in the statewide primary election, then the Board of Supervisors is hereby authorized to fill the vacancy by either (1) calling a special election not less than 56 days nor more than 70 days after the vacancy occurs, or by (2) appointing a person to fill the vacancy, provided that the Board of Supervisors may not fill a vacancy by appointing a person who has filed nomination documents with the county elections official to qualify as a candidate for Supervisor in the November general election.***
 - C. *If, at the time the vacancy occurs, the remaining term of office is 180 days or less, then the Chairman of the Board of Supervisors shall appoint such personnel as necessary to address the needs of the residents of the district and the vacancy shall be filled by the person receiving the highest number of votes cast for Supervisor in that district after the Board declares the results of the November general election.***
- ~~A. If the vacancy occurs in the first 1095 days of the term of office, the vacancy shall be filled by a vote of the electors of that district at a special election to be called by the Board of Supervisors not less than 56 days nor more than 70 days after the vacancy occurs. If the vacancy occurs within 180 days of a regularly scheduled election held throughout the supervisorial district, the election to fill the vacancy may be consolidated with that regularly scheduled election. The person receiving the highest number of votes in that election shall fill the vacancy.~~
- ~~B. If the vacancy occurs within the final year of the term, the vacancy shall be filled by the person receiving the highest number of votes for Supervisor in that district in the March primary election that year. If that person for any reason does not assume the office for the remainder of the term, the Board of Supervisors is hereby authorized to appoint a person to fill the vacancy. If the Board of Supervisors does not make such an appointment within 30 days following the certification of the March primary election results or following the failure of that person to assume the office, whichever comes later, the Board of Supervisors shall call a special election to be held not less than 56 nor more than 70 days thereafter to fill the vacancy. The person receiving the highest number of votes in that special election shall fill the vacancy.~~

**IMPARTIAL ANALYSIS
COUNTY OF ORANGE
MEASURE G**

California law permits the voters to amend the County Charter if a majority of the voters voting in an election approve the amendment. This measure, placed on the ballot by the Board of Supervisors for the County of Orange, would amend the Orange County Charter.

In March 2002, voters approved a measure changing Orange County from a general law county to a charter county in the way vacancies are filled on the Board of Supervisors. Under the existing Charter, if a vacancy occurs in the fourth and final year of a Supervisor's term of office, the vacancy is filled by the person receiving the highest number of votes in the Supervisor's district in the March primary election that year. The person filling the vacancy would not need to receive a majority of the votes.

This measure would remove the Charter's reference to a March primary, because California law has been changed so that the statewide primary is held in June in each even numbered year. This measure would also change how vacancies that occur in the final year of a Supervisor's term of office are filled. If, at the time the vacancy occurs, the remaining term of office is less than a year, but greater than six months, the vacancy shall be filled by any person receiving a majority of the votes in the primary election that year for that office. If that person does not assume the office, or if no person receives a majority of votes cast for that office in the primary election, then the Board of Supervisors can fill the vacancy by either calling a special election or by appointing a person to fill the vacancy, provided that the Board of Supervisors may not appoint a person who has filed nomination documents as a candidate for that office for the next term in the November general election.

If, at the time the vacancy occurs, the remaining term of office is 180 days or less, then the office will be filled by the person receiving the highest number of votes cast for Supervisor in that district after the Board declares the results of the November general election. Until then, the Chairman of the Board of Supervisors shall appoint such personnel as necessary to address the needs of the residents of the district.

Future changes to the County Charter, including this measure if adopted, must be submitted to the voters for approval.

A "yes" vote is a vote to amend the Charter of the County of Orange to change the method for filling vacancies on the Board of Supervisors occurring in the final year of a Supervisor's term.

A "no" vote is a vote not to amend the Charter of the County of Orange.

A copy of the proposed amendment to the County Charter is posted on the Registrar of Voters' website, <http://www.ocvote.com/>. Voters may also contact the Registrar of Voters' office and request that a copy of the proposed amendment be mailed to them at no cost.

ARGUMENT IN FAVOR OF MEASURE G

Measure G protects the integrity of your vote by fixing two loopholes in the Orange County Charter.

The principles of Measure G are simple:

- Election losers should not become Orange County Supervisors after the voters rejected them
- When making an interim appointment for Orange County Supervisor, the Board of Supervisors should pick a temporary caretaker, not give their favorite candidate an unfair advantage before the election

If a Supervisor's seat becomes vacant in the final year of the term, the Orange County Charter enables the primary election to determine who fills this seat. However, due to a drafting error in the Orange County Charter, a person could **lose** the November election for Orange County Supervisor but still become Supervisor for two months.

No one should be allowed to become a Supervisor after the voters rejected that person in the election.

Measure G fixes this, so only an election winner can become a Supervisor.

The current Orange County Charter requires the Board of Supervisors to make an interim appointment for certain vacancies for Supervisor. However, that provision allows the Board of Supervisors to exercise undue influence over the November election by appointing one of the Supervisor candidates, giving the appointee an unfair incumbency advantage in the election.

Measure G fixes this by prohibiting the Board of Supervisors from appointing their favorite candidate before the voters have a chance to cast their election ballots. Measure G only allows the Board of Supervisors to pick a caretaker (who is **not** a candidate for Supervisor) to fill the vacancy, so the voters will elect the permanent replacement.

Measure G ensures that no candidate for Orange County Supervisor can gain an unfair incumbency advantage before the November election solely from having three cronies on the Board of Supervisors.

Vote "Yes" on Measure G to protect your right to elect your own Orange County Supervisor.

s/ Todd Spitzer
Orange County Supervisor, Third District

s/ Michelle Steel
Board of Equalization Member
Candidate for Orange County Supervisor, Second District

s/ Lisa Bartlett
Mayor/Businesswoman
Candidate for Orange County Supervisor, Fifth District

s/ Robert Ming
Orange County Businessman/Councilmember
Candidate for Orange County Supervisor, Fifth District

No argument against this measure was submitted.