

March 26, 1962

Honorable Nicholas Petris
Chairman,
Assembly Committee on Elections
and Reapportionment
State Capitol
Sacramento, California

Dear Mr. Petris:

Within the past six months two special elections to elect successors to fill vacancies caused by deaths were held in Ventura and Santa Barbara counties. On October 19, 1961, Robert J. Lagomarsino, a Republican, defeated two Democratic candidates to fill the term of office of the late Senator James J. McBride. In February of 1962 a special election was held in Santa Barbara County to fill the term of office of the late Senator Jack Hollister. A Democrat won over two Republican candidates.

Many people in Ventura County were unhappy over the cost of the special election. The Ventura County Clerk estimated the cost of the special election at between \$17,000 and \$20,000. No doubt, many Santa Barbarans also objected to the cost of the special election in Santa Barbara County.

A second objection to a special election erupted out of the election campaigns. The Democratic party in Ventura County and the Republican party in Santa Barbara County were torn by intra-party fighting for the endorsement and then the events during the election campaign. Since there is no provision in the present law authorizing a primary election in such cases, similar occurrences can be expected whenever a vacancy occurs in the office of Assemblyman or Senator. A primary election probably would solve the problem in both cases. However, at present the law does not permit the use of a primary election as part of a special election. On

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the other hand, arguments raised against a primary election are the additional expenses and, secondly, that time will probably not permit two elections in many cases.

On March 6, 1962, the Ventura County Democratic Central Committee considered the problems created by special elections. It adopted a resolution memorializing your committee and the Senate Committee on Elections to consider and study its solution to the problem, and, secondly, to prepare and submit appropriate legislation at the next regular session of the Legislature.

The recommendation is as follows:

"The Ventura County Democratic Central Committee recommends that the Senate Committee on Elections and the Assembly Committee on Elections and Reapportionment consider and study the following proposed procedure for conducting special elections to fill vacancies in either house in lieu of the procedure presently required by law, and, secondly, that said committees will prepare and submit appropriate legislation at the 1963 regular session of the Legislature to effect the recommendation:

(1) A vacancy in either house is filled by an appointment from the County Central Committee of the political party which won the seat at the election. In the event two or more counties comprise an assembly or senatorial district, then the committee of each county shall send three delegates to a meeting to make the appointments by a majority vote of the members present and voting. The failure of the committees to make an appointment within sixty (60) days after the date of a vacancy automatically transfers the power of appointment to the Governor.

(2) In cases of a vacancy in the Assembly, the term of the appointment shall be the balance of the term. In the case of a vacancy in the Senate, the term of appointment shall be the balance of the term,

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unless there is a general election prior to the end of the term and, in that event, the office will be placed on the ballot for an election for the last two years of the term.*

(3) The county clerk of the county in which the former legislator resided at the time of his vacancy shall fix the date, time, and place of the meeting and give notice thereof to each member of the central committee or committees within twenty-one (21) days after the date of the vacancy, and he shall certify the results of the action of the committee or committees within sixty (60) days of the date of the vacancy to the Secretary of State and the Governor."

The Ventura County Democratic Central Committee recognizes that further study and refinements are needed. They prefer it to the present method of filling vacancies because (1) it eliminates the expenses of a special election and (2) the majority party continues to be represented by a legislator sharing its views.

Please notify us of any action taken by you and your committee on the recommendation.

Very truly yours,

JCB:H
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MRS. MARGARET ROBERTSON,
Secretary

*It has been suggested that the office be placed on the ballot only if the vacancy occurs on or before the first day for filing nomination papers for the primary election, and in all other cases the appointee shall serve for the balance of the term.