



County of Santa Cruz

ELECTIONS DEPARTMENT

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Richard W. Bedal
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Gail Pellerin
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September 5, 2003

TO: ALL INTERESTED PARTIES
FROM: Richard W. Bedal
County Clerk-Recorder
SUBJECT: SUPERIOR COURT VACANCY

This memorandum is in response to inquiries regarding the effect of the potential vacancy resulting from Judge McAdams appointment to the Court of Appeals.

The California Secretary of State has notified all County Clerks that judicial vacancies which occur in 2003 prior to November 10 will result in the next election for that position being held in 2006, whether or not the vacancy is filled by the Governor (memorandum of Stephen Trout dated August 13, 2003). This is based on a provision of the California Constitution specific to Superior Court judges, case law and upon written opinions of the Attorney General, the Judicial Council, and the Legislative Counsel.

Therefore this office, in consultation with County Counsel, has determined that if Judge McAdams vacates his Superior Court position in 2003 and prior to November 10, the election for that position will be held in 2006. However, if the vacancy occurs in 2003 but after another person has qualified as a candidate (which cannot occur earlier than November 10, 2003), the election will be in 2004 as originally scheduled. Pursuant to the Elections Code a qualified candidate is an individual who has qualified to have his or her name listed on the ballot or who has qualified to have written votes on his or her behalf counted by the Elections Department; in other words, a person who has filed a Declaration of Candidacy as well as other required documents.