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## M E M O R A N D U M

**MEETING DATE:** September 22, 2025

**TO:** Board of Supervisors

**FROM:** Kit Elliott, County Counsel

**SUBJECT:** Boards authority to fill the vacated position of Clerk/Recorder/Registrar of Voters and interview process

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**Background:** Natalie Adona, former Clerk-Recorder/Registrar of Voters, resigned from her position effective June 6, 2025. She had approximately eighteen (18) months remaining of her term. This leaves the position of the elected Clerk-Recorder/Registrar of Voters vacant and requires that the Board of Supervisors (“Board”) act to fill that vacancy.

**The Board’s Duty to Appoint a New Clerk-Recorder/Registrar of Voters:** The Clerk-Recorder/Registrar of Voters is an elected office. (Cal. Gov. Code, § 24009(a)). When a vacancy occurs in an elected office, the Board must appoint a successor to fill that vacancy. (Cal. Gov. Code, § 25304). The Board may not call for a special election. (57 Ops. Cal. Atty. Gen. 149 (1974); 99 Ops. Cal. Atty. Gen. 94 (2016)). The Board’s appointment does not change the Clerk-Recorder/Registrar of Voters’ term of office. (Cal. Gov. Code, § 25304; 99 Ops. Cal. Atty. Gen. 94 (2016)). Whoever the Board appoints to fill the vacancy will be the Appointed Clerk-Recorder/Registrar of Voters for the unexpired term, which in this case will be until January 4, 2027 (Cal. Gov. Code, § 25304). If the Appointed Clerk-Recorder/Registrar of Voters wishes to remain in office past that date, they must run for and win the Clerk-Recorder/Registrar of Voters election in 2026.

While there is no specific timeframe in which the Board must make its appointment, they must act within a reasonable time. (99 Ops. Cal. Atty. Gen. 94 (2016)). During this interim period, the Assistant Clerk-Recorder/Registrar of Voters, Corey O’Hayre, is charged with discharging the duties of the Clerk-Recorder/Registrar of Voters until the Board makes its appointment. (Cal. Gov. Code § 24105).

**The Board’s Interview Process:** On September 22, 2025, the Board will interview two applicants who are seeking to be appointed as the Clerk-Recorder/Registrar of Voters. This process will be different from other interview processes involving the Board, wherein employment interviews can occur in closed session. Under the Brown Act, employment interviews for employees may occur in closed session. This exception, however, does not apply to elective positions. Therefore, the interviews for the Clerk-Recorder/Registrar of Voters position must be held before the Board in open session. (61 Ops. Cal. Atty. Gen. 10 (1978).)

**Requirements to be Appointed Clerk-Recorder/Registrar of Voters:**

To qualify for an appointment, the applicant must meet all requirements as if they had been elected. The applicant, at the time they are appointed to office, must therefore be at least 18 years of age, a citizen of California, and a registered voter of this County before they resume office. (Cal. Gov. Code §§ 1020, 24001, 24002.)