



Soaring Eagle Press e-Edition

## Templeton's "Almost Daily" News

Serving the residents of the greater Templeton area since 2000

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### FROM THE EDITORIAL PAGE

*The opinions express by the Publisher are not necessarily those of Soaring Eagle Press sponsors*

### APPOINTED VS. ELECTED INCUMBENTS

*By Nanette Fisher, Editor/Publisher Soaring Eagle Press*

A question has arisen in Templeton during this election period regarding the differences between appointed vs. elected members on the Templeton Unified School District (TUSD) Board of Trustees and the Templeton Community Services District (TCSD) Board of Directors.

An incumbent is someone who served on one of the two boards prior to choosing to run for another term. **There are three types of incumbents.** An incumbent running for office may have been elected by the voters, appointed in lieu of an election by the Board of Supervisors, or appointed by the Board they served on to fill an empty seat between elections.

A little background and a couple of current illustrations may be helpful.

Both sitting Templeton boards vote prior to the election period to “consolidate” their upcoming election with the County’s election process – rather than go to the time and additional expense to handle the election in-house. This then turns the process from clearing candidates, through producing the ballots, and counting the votes over to the County through the Clerk-Recorder’s office and ultimately, the Board of Supervisors.

Both TCSD and TUSD are five member boards with each member serving a four-year term. During a Presidential election year, three seats are up for election on both boards. During the mid-term elections, two seats are open.

There is one exception – a seat that is filled by appointment between elections must come up for election in the very next election cycle regardless of rotation. That seat then reverts back to the original rotation in succeeding elections.

To hold an election in which registered voters choose who will represent them on a given local board (TUSD or TCSD), there must be **at least one more candidate running than the number of open seats**. If there is not at least one more candidate than the number of open seats, there will **NOT** be an election for that board. **The Board of Supervisors will appoint those candidates running in lieu of an election.**

Here are two different, current scenarios to illustrate how this works.

For example, this year, there won’t be an election for TCSD because with two seats open on the board, only two candidates stepped up to the plate. As a result, those two candidates – elected incumbent Wayne Petersen and community member Geoff English\* – will be “appointed in lieu of an election” by the Board of Supervisors. They will serve their community without being elected by the voters.

In the second example, voters will have an opportunity to choose between the candidates for school board this year because four community members are running for two open seats. **Two of them are incumbents – neither incumbent was elected by the voters – one was appointed in lieu of an election, the other to fill an empty seat between elections.**

In the 2014 mid-term election, two seats were open on the school board and two candidates stood for election – Jordan Cunningham and Katrina Merson. Because only two candidates stood for election for two seats, there was no election. Cunningham and Merson were **appointed in lieu of an election** by the County Board of Supervisors. Once again, the voters did not have a choice in the final outcome.

Cunningham then chose to run for State Assembly while still on the school board, was elected Assemblyman in 2016, and had to resign his seat on the school board – leaving approximately half his term open. In December of 2016, the school board chose to fill the seat, called for interested parties to step forward, interviewed them during a board meeting, and appointed Jan Nimick to finish Cunningham’s term.

None of the three school board members in the preceding example were **elected** as Trustees – Cunningham and Merson were appointed in lieu of an election by the Board of Supervisors, and Nimick was appointed by four members of the Board of Trustees (school board) to finish out Cunningham’s term of office.

The community is always fortunate when dedicated individuals are willing to step up the plate to run for office. But it is best served, when there are enough candidates to hold an election – giving voters both a choice in who will represent them, as well as providing community-wide conversations on the various issues in the campaign. Without an election – voters have no choice regarding who will serve their interests, and have little opportunity to be educated on the issues.

How a candidate in the election is characterized is also important because it gives voters some insight into who they are as a candidate. For example, a candidate who was elected received enough votes to be elected to office – which means that a significant number of voters in the preceding election believed the candidate was the best individual for the job.

On the current school board ballot, Nimick is characterized as an “appointed incumbent” and Merson as an “incumbent” with her campaign materials calling for her to be “re-elected”. And therein lies the issue that has been so divisive and distracting during this campaign – can you **re-elect** an incumbent who was **appointed** by the Board of Supervisors **in lieu of an election**?

According to County Clerk-Recorder Tommy Gong, “Election codes indicate that a person appointed in lieu of election **serves as if elected**. And **we allow the appointed in lieu person the option** of having “incumbent” as their ballot designation instead of “appointed incumbent” – so there is some degree of vagueness.”

After receiving an interpretation from County Counsel, Gong shared, “Referencing California Elections Code 13107, **it is interpreted** that someone who has been appointed in lieu of an election **may** actually use the term reelected.”

“It states: [T]he phrase ‘appointed incumbent’ **shall not be required** of a candidate who seeks **reelection** to an office which he or she holds and which he or she was appointed as a nominated candidate, in lieu of an election...”

“So while I agree that a person who is appointed in lieu of an election was not voted upon by the voters, there is much vagueness as to what is considered when a board member runs for reelection,” concluded Gong.

Note that **the candidate who was appointed in lieu of an election has a choice** as to how he or she is will be characterized on the ballot and that there is some uncertainty in this particular circumstance.

While my research has shown that there is some disagreement among California elections officials regarding this point, it should be noted that using the term reelect in this circumstance seems to be the current convention.

But there is one final piece to this puzzle. Elections Code 13107 goes on to say, “(e) The Secretary of State and any other elections official **shall not accept a designation** of which any of the following would be true: (1) It **would mislead the voter**.”

So the question I have is this... just because someone CAN do something, SHOULD they?

I leave the final conclusion to you the reader... “can one use the words **re-elect** for an incumbent who was **appointed** by the Board of Supervisors **in lieu of an election without misleading the voters**?” Hopefully your answer will be one that supports transparency and truthfulness rather than a means to an end as we move forward into future elections.

Wherever you come down on this issue, now that the facts are known, may we please move on to the more important matters and issues in this election?

Templeton’s school district is in trouble financially – primarily due to a shrinking student population and to a lesser extent, un dependable state funding. Templeton’s school board is heading for some very challenging, difficult, and often unpopular decisions as to how to shrink our budget in order to retain

control of our school district, while maintaining the excellence in education Templeton's schools are known for.

In the final analysis, no matter how a candidate is seated – elected or appointed – they take an oath of office to serve and have all the same challenging responsibilities as their fellow board members. How they ended up being seated does not change who and what they are legally responsible to and for. Our best hope is they will serve with truthfulness, virtue, courage, and integrity.

***“If we can't get it right at the local, grass roots level, how in the world can we expect to get it right at the county, state, and federal levels?” nanette fisher***

***\*English served on TCSD's Board of Directors, but “retired” after that term. He has come out of “retirement” to serve. Because his run for office was not directly follow a term in office, he isn't considered an incumbent. It is however, important to note the four years experience as a Director that he brings to the office.***

***Editor's Note!*** This article has been researched and written to show the importance of having at least one more candidate step up to the plate than seats open to run in a given election. And thru that, answer a question regarding this election that is currently dividing the community and taking the focus of the voters away from the true issues facing our school district.

As the author, I bring more than two decades of experience in reporting Templeton news and have covered a minimum of ten Templeton board elections. In addition, I spoke with County Clerk-Recorder Tommy Gong for a short interview and continued the conversation through email to double check several of the points provided – particularly the question regarding what happens when there are not enough candidates to hold an election AND are those candidates appointed or elected?

I hope Templeton voters will find this information of value – both now and in future elections. ***Nanette Fisher, Editor/Publisher Soaring Eagle Press***

## **FRIDAY, OCTOBER 12**

**REMINDER – 8<sup>th</sup> STREET WEST OF MAIN CLOSED THRU OCT 26**

**THS SPORTS** – Eagles Cross Country @ Clovis Twilight Meet (6 pm)

**THS SPORTS** – Eagles Football & Cheer vs. San Luis Obispo (JV 4 pm / V 7 pm)

**VISIT THE SCARY, ABANDONED HAUNTED HOUSE ON MAIN STREET** – “Nightmare on Main Street” is the scariest haunted house on the Central Coast! Now in its eighth year, this annual Halloween event provides the ultimate fright while giving back to the community through senior scholarships and grants to a number of community organizations. “Nightmare on Main Street” (corner of First & S. Main) is ***open again this weekend on Friday, October 13<sup>th</sup> and Saturday, October 14<sup>th</sup> from 7 to 10 pm.*** Additional dates include October 19-20 from 7 to 10 pm, October 26, 27, 30, and 31 from 7 to 11 pm and a special “Lights on Tour” on October 20 and 27 from 5 to 6 pm. Purchase tickets at the door – General Admission \$10, RIP (go the front of the line) tickets \$17, and “Lights on Tour” tickets are \$5. For more information, please visit [www.nightmareonmain.com](http://www.nightmareonmain.com).

## **MARK YOUR CALENDARS**

**THS “CHILLS & TRILLS” CONCERT – October 23<sup>rd</sup>**

**GOLDEN OAK HONEY FESTIVAL – October 27<sup>th</sup>**

**HOWL'OWEEN AT SHERWOOD DOG PARK – October 27<sup>th</sup>**

**TRICK OR TREAT ON MAIN STREET – October 31<sup>st</sup>**

**“...and then there were none.” – November 1<sup>st</sup> thru 10<sup>th</sup>**

**DAYLIGHT SAVINGS TIME ENDS – November 4<sup>th</sup> (set your clocks BACK one hour)**

**HOLIDAY QUILT AUCTION – November 3<sup>rd</sup>**

**TEMPLETON HOLIDAY CRAFTS BOUTIQUE – November 3<sup>rd</sup> & 4<sup>th</sup>**

**ELECTION DAY – November 6<sup>th</sup>**

**“ISLE OF DOGS” FILM & YAPPY HOUR AT PARK CINEMAS – November 8<sup>th</sup>**

**VETERAN'S DAY – November 11<sup>th</sup>**

**HAPPY THANKSGIVING! – November 22<sup>nd</sup>**

**A NIGHT IN NARNIA** – Templeton Chamber of Commerce presents “A Night in Narnia” – Christmas Tree Auction & Dinner with Community Awards on **December 8<sup>th</sup>**.

**HANUKKAH BEGINS – December 3<sup>rd</sup>**

**THE LIVING NATIVITY – December 14<sup>th</sup> thru 16<sup>th</sup>**

**MERRY CHRISTMAS! – December 25<sup>th</sup>**

**HAPPY NEW YEAR! – January 1<sup>st</sup>**

**MORE INFO NEEDED**

**MARIE CALLENDAR PIE SALES**

**CHRISTMAS TREES & WREATHS SALES**

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As always, please share this information with your friends and neighbors throughout the almost 100 square miles of the greater Templeton area.

To subscribe to Templeton's "Almost Daily", please send a request for a subscription to the Soaring Eagle Press Editor (see email address below signature), and include the email address your copy of the paper will be delivered to in the body of your email.

Thank you,

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