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GOVERNMENT CODE - GOV

TITLE 2. GOVERNMENT OF THE STATE OF CALIFORNIA [8000 - 22980] (Title 2 enacted by Stats. 1943, Ch. 134.)

DIVISION 3. EXECUTIVE DEPARTMENT [11000 - 15990.3] (Division 3 added by Stats. 1945, Ch. 111.)

PART 2. CONSTITUTIONAL OFFICERS [12001 - 12790] (Part 2 added by Stats. 1945, Ch. 111.)

CHAPTER 7. Succession to Constitutional Offices in the Event of War or Enemy-Caused Disaster [12700 - 12704] (Chapter 7 added by Stats. 1959, Ch. 2061.)

12700. As used in this chapter "disaster" means a war or enemy-caused calamity, such as an attack by nuclear weapons, which renders unavailable the Lieutenant Governor, or the Attorney General, or the Secretary of State, or the Treasurer, or the Controller. "Unavailable" means that any such officer is either killed, missing, or so seriously injured as to be unable to perform that officer's duties.

(Amended by Stats. 2021, Ch. 50, Sec. 115. (AB 378) Effective January 1, 2022.)

12701. As soon as practicable after the effective date of this chapter, and thereafter as soon as practicable after election and qualification to office, each of the constitutional officers named in Section 12700 shall appoint and designate by filing with the Secretary of State the names of at least three and not more than seven citizens qualified to become candidates to the office as their respective successors in the event that such officer is unavailable as a result of disaster. Any such appointee may be replaced by the appointing officer at any time and for any reason. The appointees of the Attorney General may include persons holding the Office of Assistant Attorney General. The appointees of the Controller, Secretary of State, and Treasurer may include persons holding office as their deputies or assistants.

In making appointments each constitutional officer shall give consideration to the places of residence and employment of the officer's appointees and shall appoint from different parts of the state so that for each office for which appointments are made there shall be the greatest probability of survival in the event of a disaster of some or all of the appointees.

The names of the persons designated pursuant to this section shall be submitted to, and be subject to confirmation by, the Senate as soon as possible after that designation is made.

Each person appointed as provided in this section shall take the oath of office and shall deliver to the Secretary of State within 30 days after appointment a written declaration under oath that the appointee accepts the appointment and will faithfully perform the obligations imposed upon the appointee thereby.

(Amended by Stats. 2021, Ch. 50, Sec. 116. (AB 378) Effective January 1, 2022.)

12702. If a constitutional officer who has appointed successors as provided in this chapter becomes unavailable because of a disaster, the powers and duties of the officer's office shall devolve upon one of the officer's appointees in the order specified in making the appointments and that person shall declare that that person is undertaking the duties of the office and take and subscribe the oath therefor; provided, however, that an appointee so designated may declare that the appointee is undertaking the office and take the prescribed oath if no person prior in such order of succession enters upon the office within seven days after the incumbent thereof becomes unavailable.

(Amended by Stats. 2021, Ch. 50, Sec. 117. (AB 378) Effective January 1, 2022.)

12703. The Attorney General, Secretary of State, Treasurer, and Controller shall, in addition to the appointments required to be made by Section 12701, designate the order in which persons holding office as their deputies or assistants, and not appointed under Section 12701, shall serve as their respective successors in the event that such officer and the successors appointed by the officer under Section 12701 are unavailable as a result of disaster. If any such officer and the successors appointed by the officer under Section 12701 are unavailable as a result of disaster, the powers and duties of the officer's office shall devolve upon one of those deputies or assistants in the order designated and that person shall declare that that person is undertaking the duties of the office and take and subscribe the oath therefor; provided, however, that any such deputy or assistant may declare that that deputy or

assistant is undertaking the office and take the prescribed oath if none prior in order of succession enters upon the office within seven days after the incumbent thereof becomes unavailable.

(Amended by Stats. 2021, Ch. 50, Sec. 118. (AB 378) Effective January 1, 2022.)

12704. Any such person shall, while holding the office, be known as Acting Lieutenant Governor, Acting Attorney General, Acting Secretary of State, Acting Treasurer, and Acting Controller, as the case may be, and shall perform the duties of the office and receive the salary and perquisites thereof while so serving, but shall not be deemed to hold that office within the meaning of Section 21 of Article IV of the Constitution relating to succession to the governorship. An acting constitutional officer shall continue to serve as such until the disabled officer resumes office, or a person prior in the order of succession declares that that person is undertaking the office and takes the oath therefor, or until the office is filled at the next election that is held for that office and a person is elected and qualifies for the particular constitutional office.

(Amended by Stats. 2021, Ch. 50, Sec. 119. (AB 378) Effective January 1, 2022.)