

**Notice of California Law Applicable to the Official Oath of Office  
and to Official Bonds.**

**Official Notice Requested (West's Ann.Cal.Gov. Code (2003), § 11515)  
JUDICIAL NOTICE REQUIRED (West's Ann.Cal.Evid. Code(2003), §§ 451, 453, 459).**

**Declarant, \_\_\_\_\_, is a competent witness over the age of 18 years of age, has personal knowledge of the facts stated here, and does Solemnly state that:**

1. a. I am a natural born, white Man, one of the People of the United States of America and one of the People of California.

1. b. I am not a trained or licensed Attorney; of necessity, I am acting at all times within my right to defend my life, liberty, and property as set out in The California Constitution (2001), Art. 1, Sec. 1 (from [http://www.leginfo.ca.gov/.const/article\\_1](http://www.leginfo.ca.gov/.const/article_1) [as of May 9, 2001]):

All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy.

2. I researched California law concerning the oaths of office and official bonds required for persons purporting to be state officials, officers, or employees. I present the results of my research here.

**I. Historical background.**

3. The State of California is purported to have been admitted as a State into the Union of the United States of America on September 9, 1850, by an Act of Congress:

*An Act for the Admission of the State of California into the Union*  
Act of Congress, Sept. 9, 1850, ch. 50, 9 U.S. Stat. 452.

Whereas the people of California have presented a constitution and asked admission into the Union, which constitution was submitted to Congress by the President of the United States, by message dated February thirteenth, eighteen hundred and fifty, and which, on due examination, is found to be republican in its form of government:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the State of California shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatever

*Sec. 2. And be it further enacted,* That until the representatives in Congress shall be apportioned according to an actual enumeration of the inhabitants of the United States, the State of California shall be entitled to two representatives in Congress.

*Sec. 3. And be it further enacted,* That the said State of California is admitted into the Union upon the express condition that the people of said State, through their legislature or otherwise, shall never interfere with the primary disposal of the public lands within its limits, and shall pass no law and do no act whereby the title of the United States to, and right to dispose of, the same shall be impaired or questioned; and that they shall never lay any tax or assessment of any description whatsoever upon the public domain of the United States, and in no case shall non-resident proprietors, who are citizens of the United States, be taxed higher than residents; and that all the navigable waters within the said States shall be common highways, and forever free, as well to the inhabitants of the said State as to the citizens of the United

States, without any tax, impost, or duty thereof; *Provided*, That **nothing herein contained shall be construed as recognizing or rejecting the propositions tendered by the people of California as articles of compact in the ordinance adopted by the convention** which formed the constitution of that State. (emphasis added) West's Ann.Cal. Const. (2001), Vol. 3, p. 402.

4. In a companion Act of Congress, the judicial system of the United States was purportedly extended into the State of California in 1850:

EXTENSION OF UNITED STATES LAWS  
AND JUDICIAL SYSTEM

Act of Congress Sept. 28, 1850, ch. 86, 9 U.S. Stat. 521

*An Act to provide for extending the Laws and the Judicial System of the United States to the State of California.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all the laws of the United States **which are not locally inapplicable** shall have the same force and effect within the said State of California as elsewhere within the United States.

Sec. 2. *And be it further enacted*, That the said State shall compose two districts, to be called the northern and southern districts of California, divided by the thirty-seventh parallel of north latitude. And for the purpose of trying all issues of fact **triable by a jury in said districts**, a District Court shall be held in said district, to consist of one judge, who shall reside within the district to which he is appointed, and be called a district judge, and shall in all things have and exercise **the same jurisdiction and powers which were by law given to the judge of the southern district of New York**; the said judge shall appoint a clerk at the place at which a court is holden within the district, who shall reside and keep the records of the court at the place of holding the same; and shall receive for the services they may perform, for the first four years after the passage of this act, double the amount allowed to the clerk of the southern district of New York; and thereafter shall receive only the fees allowed to the clerk of the said southern district of New York, and may appoint a deputy.

Sec. 3. *And be it further enacted*, That the judges of the districts of California shall hold extra sessions at any time when the public interest may in their opinion require the same.

Sec. 4. *And be it further enacted*, That the judge of the northern district of California shall hold two regular sessions annually at San Francisco, and one regular session annually at San Jose, Sacramento, and Stockton, at the times following, to wit: at San Francisco, on the first Mondays of December and June; at San Jose on the first Monday in April; in Sacramento, on the First Monday in September; and at Stockton, on the second Monday in October.

Sec. 5. *And be it further enacted*, That the judge of the southern district of California shall hold one regular session annually at the following places, to wit: at Monterey on the first Monday in June; and at Los Angeles, on the first Monday in December.

Sec. 6. *And be it further enacted*, And should the judges of either of the said District Courts fail to attend at the time and place of holding any one of the regular terms of the court, for either of said districts, before the close of the fourth day of such term, the business pending in such court shall stand adjourned to the next regular term

thereof: *Provided*, That whenever the judge of either of said courts, from any cause, shall fail to hold a regular term of said court, it shall be his duty, if, in his opinion, the business in said court shall require, to hold an intermediate term of said court at such time as he shall, by his order, under his hand and seal, direct, addressed to the clerk and marshal of said court at least thirty days previous to the commencement of said term, and to be published in the several newspapers published in the bounds of said district the same length of time; and at any and all such intermediate terms, the business of any such courts, of every nature and description whatsoever, shall have reference to, and be proceeded with, in the same manner as if the same were a regular term of such court.

Sec. 7. *And be it further enacted*, That there shall be allowed to the judge of the northern district aforesaid an annual compensation of three thousand five hundred dollars, and to the judge of the southern district aforesaid an annual compensation of twenty-eight hundred dollars, to commence from the date of their appointments respectively.

Sec. 8. *And be it further enacted*, That there shall be appointed, in each of the said districts, a person learned in the law, to act as attorney for the United States, who shall, in addition to his fees of office, which, for the first four years after the passage of this act, shall be double those of the southern district of New York; and thereafter he shall be entitled to receive the same fees as the attorney of the said southern district of New York, and a salary of five hundred dollars annually as a full compensation for all extra services.

Sec. 9. *And be it further enacted*, That a marshal shall be appointed in each of said districts, who shall perform the same duties, be subject to the same regulations and penalties, and be entitled to receive, for the first four years after the passage of this act, double the amount of fees which are prescribed to marshals in the southern district of New York, and thereafter he shall be entitled to receive the fees of the marshal of the said southern district of New York, and shall moreover be entitled to the sum of five hundred dollars annually, as a compensation for all extra services; and the said marshal shall have the right to appoint as many deputies as the duties of his office shall require.

Sec. 10. *And be it further enacted*, That in addition to the ordinary jurisdiction and powers of a District Court of the United States, with which the southern District Court of New York has been invested, the said courts be, and hereby are, invested respectively, within the limits of its district, with the exercise of concurrent jurisdiction and powers in all civil cases now exercised by the Circuit Courts of the United States; and that, in all cases where said Courts shall exercise such jurisdiction, appeals may be taken from the judgments, orders, or degrees of said courts, to the Supreme Court of the United States, in the same manner, and upon the same conditions, as appeals may be taken from the Circuit Courts.

Sec. 11. *And be it further enacted*, That all civil causes now pending in any of the courts of California, the jurisdiction of which may properly belong to the courts of the United States herein established, shall be removed to the said United States courts, either by writ of certiorari, or by a transfer of the original papers, with an exemplification from the record or docket entry, under the seal of the court from which they shall be removed, for which exemplification the clerk of said court shall receive the same fees as may be allowed by law for similar services, to be paid by the party applying for such transfer; and in case of a final determination of the cause in

favor of the party paying for such record, he shall be entitled to tax the expense thereof, as other costs are taxable, against the party failing in said suit; and all cases, &c., removed, shall take rank on the dockets and lists of cases of said United States courts according to priority of date, and be proceeded in as cases originally brought in said courts. (emphasis added) West's Ann.Cal. Const. (2001), Vol. 3, p. 406.

5.a. After a diligent search through the State of California statutes and codes, I have not found any written evidence that the State of California has withdrawn from said Union at any time since 1850, or that said Union has been dissolved.

5.b. I reasonably infer that the laws of the United States are in full force and effect in the State of California.

6.a. The Constitution of the State of California of 1849, article XI, § 3, read (emphasis added):

**Members of the legislature, and all officers, executive and judicial, except such inferior officers as may be by law exempted**, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the constitution of the United States, and the constitution of the state of California, and that I will faithfully discharge the duties of the office of -----, according to the best of my ability."

And no other oath, declaration, or test, shall be required as qualification for any office or public trust.

Compiled Laws of California, Garfielde & Snyder, Compilers, The Press of The Franklin Printing House (1853), p. 40 et seq.

6.b. The first Statute relating to oaths of office read (in part):

SECTION 1. The official bonds of officers shall be approved and filed as follows, to wit: the official bond of the Secretary of State shall be approved by the Governor, and filed and recorded in the office of the County Clerk of the county in which the seat of government is fixed; (1) the official bond of the Attorney General, Surveyor General, Comptroller, Treasurer, State Printer, and Clerk of the Supreme Court shall be approved by the Governor, filed and recorded in the office of the Secretary of State; the official bond of each District Attorney shall be approved by the Judge of the District, filed and recorded in the office of the County Clerk of any one of the counties in the District which may be designated by said Judge; (2) the official bonds of Sheriffs, Coroners, Justices of the Peace, and all other county officers shall be approved by the County Judge, filed and recorded in the office in the County Clerk of their respective counties; the official bonds of County Clerks shall be approved by the County Judge and filed and recorded in the office of the County Recorder.

...

SEC. 4. If any person, elected or appointed to any office, shall perform any of the duties thereof without having executed and filed in the proper office any bond required of him by law, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not exceeding one thousand dollars, and his office be declared vacant.

Stats. 1850, ch. 21, "An Act concerning the Official Bonds of Officers.", Feb. 28, 1850.

6.c. The Constitution of the State of California of 1879, article XX, § 3 read (emphasis added):

**Members of the Legislature, and all officers, executive and judicial, except such inferior officers as may be by law exempted**, shall, before they enter upon the

duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be,) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of -----, according to the best of my ability."

And no other oath, declaration, or test shall be required as a qualification for any office or public trust.

Statutes of California (1880). p. xxiii et seq.

## II. Current Constitutions, statutes, and decisional law.

### A. Oaths of Office.

7.a. The Constitution for the United States, article VI, clause 3, reads (emphasis added):

The Senators and Representatives before mentioned, and the **Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States**, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

United States Code Annotated, Const. (1999), art. VI, cl. 3.

7.b. 28 U.S.C.A. (1999), § 453 reads:

Each justice or judge of the United States shall take the following oath or affirmation before performing the duties of his office: "I, \_\_\_\_\_, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as \_\_\_\_\_ under the Constitution and laws of the United States. So help me God."

7.c. West's Ann.Cal. Const. (2002), article XX, § 3 reads (emphasis added):

**Members of the Legislature, and all public officers and employees, executive, legislative, and judicial, except such inferior officers and employees as may be by law exempted**, shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation:

"I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

"And I do further swear (or affirm) that I do not advocate, nor am I a member of any party or organization, political or otherwise, that now advocates the overthrow of the Government of the United States or of the State of California by force or violence or other unlawful means; that within the five years immediately preceding the taking of this oath (or affirmation) I have not been a member of any party or organization, political or otherwise, that advocated the overthrow of

the Government of the United States or of the State of California by force or violence or other unlawful means except as follows:

\_\_\_\_\_  
(If no affiliations, write in the words "No Exceptions")  
and that during such time as I hold the office of \_\_\_\_\_ I will not  
advocate nor become a member of any party or organization,  
political or otherwise, that advocates the overthrow of the  
Government of the United States or of the State of California by  
force or violence or other unlawful means."

And no other oath, declaration, or test, shall be required as a qualification for any public office or employment.

"Public officer and employee" includes every officer and employee of the State, including the University of California, every county, city, city and county, district, and authority, including any department, division, bureau, board, commission, agency, or instrumentality of any of the foregoing.

7.d. However, the California Supreme Court has held:

On the authority of *Keyishian v. Board of Regents*, 385 U.S. 589 and *Elfbrandt v. Russell, supra*, 384 U.S. 11, it must be held that the second paragraph of section 3, article XX of the California Constitution is invalid.  
Vogel v. County of Los Angeles (1967), 68 Cal.2d 18, 26; 434 P.2d 961; 64 Cal.Rptr. 409.

8.a. West's Ann.Cal.Gov. Code (2002), § 1360 reads (emphasis added):

Unless otherwise provided, **before** any officer enters on the duties of his office, he shall **take and subscribe** the oath or affirmation set forth in Section 3 of Article XX of the Constitution of California.

8.b. West's Ann.Cal.Gov. Code (2002), § 1192 reads (emphasis added):

When not otherwise provided for, **within 10 days after receiving notice of their appointment**, deputies and other subordinate officers **shall take and file an oath** in the manner required of their principals.

8.c. West's Ann.Cal.Gov. Code (2002), § 1363 reads:

(a) Unless otherwise provided, every oath of office certified by the officer before whom it was taken shall be filed within the time required as follows:

(1) The oath of all officers whose authority is not limited to any particular county, in the office of the Secretary of State.

(2) The oath of all officers elected or appointed for any county, and, except as provided in paragraph (4), of all officers whose duties are local, or whose residence in any particular county is prescribed by law, in the office of the county clerk of their respective counties.

(3) Each judge of a superior court, the county clerk, the executive officer or court administrator of the superior court, and the recorder shall file a copy of his or her official oath, signed with his or her own proper signature, in the office of the Secretary of State as soon as he or she has taken and subscribed his or her oath.

(4) The oath of all officers for any independent special district, as defined in Section 56044, in the office of the clerk or secretary of that district.

(b) Every oath of office filed pursuant to this section with the Secretary of State shall include the expiration date of the officer's term of office, if any. In the case of an oath of office for an appointed officer, if there is no expiration date set forth in the oath, or the officer leaves office before the expiration date, the appointing authority shall report in writing to the Secretary of State the officer's date of departure from office.

8.d. The United States Supreme Court has held:

*"May the Board of Supervisors of the County of Los Angeles proceed with a fact-finding program under which the officers and employees within its jurisdiction are asked: (1) to take an oath of allegiance to the federal and state Constitutions and the laws of California as against all enemies of the United States of America, the State of California, and the county of Los Angeles; and (2) as such officers and employees to answer upon their oath or affirmation, (a) whether or not they advocate the overthrow of the government by force or violence and whether or not since December 7, 1941, they have been members of any organizations or political parties that advocate the overthrow of the government by force or violence, as well as to sign an affidavit not to advocate the overthrow of the government by force and violence or to become a member of an organization or political party which so advocated so long as the person is a county officer or employee; (b) to state any aliases they have ever used or been known by; and (c) to indicate whether they have ever been a member of or directly or indirectly supported any of the organizations listed in the affidavit submitted to them?"*

This question must be answered in the affirmative. **The mere asking of the question points unerringly to the answer any loyal, sane citizen of the United States of America would give to it. It is an unequivocal "Yes."**

The people of the State of California are supreme and have the **undoubted right to protect themselves and to preserve the form of government which they have adopted against any and all enemies whether they be domestic or foreign.** It is not alone the **right** of the people to protect themselves and their chosen form of government against attacks from all sources, but **it is their duty to do so**, since they have been guaranteed to the people of the United States "a Republican Form of Government" in this state. (U. S. Const., art. IV, section 4; Const. of Calif., art. I, section 3.)

**Every citizen is a minority member of society, and the form of government which the people of the several states have adopted guarantees to each minority member, as well as to the majority, a republican form of government in his own state. ...**

All this in spite of an occasional **administrative failure to adhere to the Constitution of the United States, due to incompetence or criminal design of some individual.**

...The foregoing cases support the obvious rule that plaintiffs, as public servants, **have the implied duty to support the form of government lawfully chosen by the people whom they are employed to represent**, to act as representatives of the people and not to advocate destruction of the government by force or violence. By accepting public employment they forego any privilege they may have had as private citizens to advocate the overthrow of the government by force and violence. **It is**

**inconceivable that they should be permitted to represent the people, be supported by the people, and at the same time have the privilege of advocating the overthrow of the very government by which they are employed and obtain their livelihood. If they cannot subscribe to the prescribed affidavit they may join those who serve themselves in the ranks of private employment.**

...If they desire to advocate the overthrow of the government of the United States, the State of California, or the county of Los Angeles, they may do so by any and all lawful means **after first resigning from their public employment.** ... A servant employed by the people is held to an even higher standard, and his employer, the people, not only may, but it is their duty through their authorized representatives to make proper inquiry as to his fitness for the position which he occupies and as to his intentions and acts relative to his loyalty to the people.

(italics in original, emphasis added) *Steiner v. Darby* (1948), 88 Cal.App.2d 481, 199 P.2d 429; appeal dismissed. (1949), 338 U.S. 327, 94 L.Ed. 144, 70 S.Ct. 161.

8.e. The California Supreme Court has held:

Of course, election alone did not constitute [him] the incumbent of the office. The law required him, after receiving his certificate of election, **to take the oath of office, and give bonds within the time required by law.** If he failed to do these things according to law, and within the time required by law, the office was vacant. (Sections 907, 947, 996, Pol. Code; *Payne v. San Francisco*, 3 Cal. 125; *People v. Taylor*, 57 Cal. 620.) **Until an officer-elect takes the oath of office and gives bonds according to law, he is not authorized to discharge the duties of the office.** He is not an incumbent.

...Being the actual incumbent of the office, he was in possession under color of right; he was at least a *de facto* officer, and had a vested right as such until his right was questioned by some one in a proper proceeding for that purpose. ... It can be made only by an original proceeding by information in the nature of a *quo warranto* against him as incumbent of the office. (*People v. Olds*, 3 Cal. 176; *People v. Scannell*, 7 Cal. 432; *Satterlee v. San Francisco*, 23 Cal. 320; *People v. Sassovich*, 29 Cal. 480.) (emphasis added) *Hull v. Superior Court* (1883), 63 Cal. 174, 176-177.

8.f. A California appellate court has held:

Given the basic purpose of the oath it follows in reason that **the requirement of execution of the oath "before" entering upon the duties to be undertaken** establishes the execution of the oath as a condition precedent to a lawful undertaking of those duties. It becomes, in a sense, a matter of eligibility, for **one who cannot take the oath, in effect, is rendered ineligible for public employment.** (Cf. *Reed v. Hammond*, 18 Cal.App. 442 [123 P. 346]; *Searcy v. Grow*, 15 Cal. 117.) While the employment which is the subject of this appeal is undoubtedly not a "public office" as contemplated by Government Code, section 1303 (*Hirschman v. County of Los Angeles*, 39 Cal.2d 698 [249 P.2d 287, 250 P.2d 145]), nevertheless **the importance of the oath of office as a prerequisite in the eyes of the Legislature** is indicated by its action in **declaring the exercise of the function of a public office before taking the oath of office to be a misdemeanor.** The constitutional provision does not impose a criminal penalty in such case but, also, it makes no distinction in the necessity of the oath as between "public officers and employees." The execution of the oath is essential to the status of *de jure* employment **the lack of which precludes the right to compensation for services rendered** (cf. *Lopez v. Payne*, 51 Cal.App. 447, 449 [196 P. 919]; *Norton v. Lewis*, 34 Cal.App. 621, 624 [168 P. 388]). ... We

hold that appellant **did not become a lawful employee of respondent county.**  
(emphasis added) Smith v. County Engineer (1968), 266 Cal.App.2d 645, 653-654;  
72 Cal.Rptr. 501.

8.g. The California Attorney General has issued Opinions affirming the requirement of a valid Oath of Office:

58 Ops.Cal.A.G. 473;

62 Ops.Cal.A.G. 132;

78 Ops.Cal.A.G. 287.

8.h. I reasonably infer from the foregoing information that the Constitution of the United States and the Constitution of the State of California, as well as statutes and case law, consistently **require** that State of California officers and employees must execute an Official Oath of Office **before** commencing the duties of their office.

## **II. B. Official Bonds**

### **1. Form and Substance of Official Bonds**

9.a. West's Ann.Cal.Gov. Code (2012), § 1501 reads (emphasis added):

The condition of an official bond shall be that **the principal will well, truly, and faithfully perform** all official duties then required of him by law, and also such additional duties as may be imposed on him by any existing law of the State or law enacted subsequently to the execution of the bond.

9.b. West's Ann.Cal.Gov. Code (2012), § 1500 reads:

All official bonds shall be made payable to the State of California in such penalty and with such conditions as required by this article, or the law creating or regulating the duties of the office.

9.c. West's Ann.Cal.Gov. Code (2012), § 1504 reads:

Every official bond executed by any officer pursuant to law is in force and obligatory upon the principal and sureties therein for:

(a) Any and all breaches of the conditions thereof committed during the time such officer continues to discharge any of the duties of or hold the office, and whether such breaches are committed or suffered by the principal officer, his deputy, or clerk except that no officer of a county, city, or city and county, whose sole compensation by virtue of his office is a fixed salary established by the Legislature, the local governing body, or the board of supervisors, shall be personally liable for the negligent act or omission of any deputy or employee serving under him and performing the duties of his office, where the appointment or qualification of such deputy or employee is required to be and has been approved by the local governing body or the board of supervisors, or by the civil service commission, unless the officer failed to exercise due care in the selection, appointment or supervision of such deputy or employee, or negligently failed to suspend or secure the discharge of such deputy or employee after knowledge or notice of his inefficiency or incompetency, and except that no state officer shall be personally liable for the negligent act or omission of any deputy or employee serving under him and performing the duties of his office, where the appointment or qualification of such deputy or employee is required to be and has been approved by the State Personnel Board, unless such officer failed to exercise due care in the selection, appointment, or supervision of such deputy or employee, or negligently failed to suspend or secure the discharge of such deputy or employee after knowledge or notice of his inefficiency or

incompetency.

Nothing in this section shall be interpreted as placing any liability upon the principal officer for the act of a deputy or employee unless such liability is otherwise imposed upon the principal officer by law, nor shall this section be construed or interpreted as releasing or relieving any such county, city, or city and county of any liability for the negligent act or omission of any such deputy or employee otherwise imposed by law.

(b) The faithful discharge of all duties which may be required of such officer by any law enacted subsequently to the execution of the bond.

9.d. West's Ann.Cal.Gov. Code (2012), § 1505 reads:

Whenever, except in criminal prosecutions, any special penalty, forfeiture, or liability is imposed on any officer of a county or judicial district for nonperformance or mal-performance of official duties, the liability therefore attaches to the official bond of the officer, and to the principal and sureties thereon.

## II. B. 2. Persons required to file Official Bonds

10.a. West's Ann.Cal.Gov. Code (2012), § 1001 reads (emphasis added):

The civil executive officers are: a **Governor**; a private secretary and an executive secretary for the Governor; a **Lieutenant Governor**; A **Secretary of State**; a **Deputy Secretary of State**; a Keeper of Archives of Secretary of State; a bookkeeper for the Secretary of State; three recording clerks for the Secretary of State; a **Controller**; a **Deputy Controller**; a bookkeeper for the Controller; five clerks for the Controller; a **Treasurer**; a **Deputy Treasurer**; a bookkeeper for the Treasurer; a clerk for six months in each year for the Treasurer; an **Attorney General** and all assistant and deputy attorneys general; a **Superintendent of Public Instruction**; one clerk for the Superintendent of Public Instruction; an **Insurance Commissioner**; a deputy for the Insurance Commissioner; for [sic?] port wardens for the Port of San Francisco; a port warden for each port of entry except San Francisco; five State Harbor Commissioners for San Francisco Harbor; six pilots for each harbor where there is no board of pilot commissioners; three members of the Board of Pilot Commissioners for Humboldt Bay and Bar; 13 members of the State Board of Agriculture; four members of the State Board of Equalization; a clerk of the Board of Equalization; three members of the State Board of Education; a librarian for the Supreme Court Library and the chief deputy clerk and the deputy clerks of the Supreme Court; five directors for the insane asylum at Stockton; five directors for the insane asylum at Napa; the manager, assistant manager, chief counsel and division chiefs, State Compensation Insurance Fund; the **head of each department** and all chiefs of divisions, deputies and secretaries of a department; such other officers as fill offices created by or under the authority of charters or laws for the government of counties and cities or of the health, school, election, road, or revenue laws.

10.b. West's Ann.Cal.Gov. Code (2012), § 1458 reads:

The bonds of supervisors, treasurers, county clerks, auditors, sheriffs, tax collectors, district attorneys, recorders, assessors, surveyors, superintendents of schools, public administrators, coroners, and constables shall be approved by the presiding judge of the superior court before the bonds can be recorded and filed.

10.c. West's Ann.Cal.Gov. Code (2012), § 1457 reads: (emphasis added)

Unless otherwise provided, the official bonds of a county and judicial district shall be **approved by the presiding judge** of the superior court, recorded in the office of the **county recorder**, and then filed in the **county clerk's office**.

10.d. West's Ann.Cal.Gov. Code (2012), § 1461 reads:

Any person appointed to fill a vacancy shall give a bond, corresponding in substance and form with the bond required of the officer originally elected or appointed, before entering upon the duties of the office.

10.e. West's Ann.Cal.Gov. Code (2012), § 14625 reads (bracketed information added):

The director [of the Department of General Services] may require any person who has charge of, handles or has access to any state property to file an official bond in an amount to be fixed by him.

10.f. West's Ann.Cal.Gov. Code (2012), § 11156 reads:

In addition to any bonds required by the Director of General Services the head of each department may require any officer or employee in his department to execute an official bond in such amount as he determines.

10.g. West's Ann.Cal.Gov. Code (2012), § 1480 reads:

Every officer, agent or employee not required by statute to give an official bond may be required to give an individual official bond, or other form of individual bond, in the amount fixed by the appointing power and such bond shall inure to the benefit of the appointing power, state, county, or municipality, by whom such officer, employee or agent is employed as well as the officer under whom the employee or agent serves. The appointing power shall obtain the approval of the Department of General Services before requiring any state officer, employee, or agent to give an individual bond pursuant to this section, and before including the name or position or office of any such officer, employee, or agent in a master bond as provided in section 1481.

10.h. West's Ann.Cal.Gov. Code (2012), § 1481 reads (in part):

(a) When deemed expedient by the appointing power, a master official bond or other form of master bond may be used which shall provide coverage on more than one officer, employee, or agent who is required by the appointing power or the board of supervisors of a chartered or general law county to give bond.

### **II. B. 3. Mechanics of Filing Official Bonds**

11.a. West's Ann.Cal.Gov. Code (2012), § 1450 reads (emphasis added):

Unless otherwise provided, every official bond shall be filed in the proper office **within the time prescribed for filing the oath**.

11.b. West's Ann.Cal.Gov. Code (2012), § 1456 reads (emphasis added):

The official **bond of the Secretary of State** shall be filed in the office of the **Treasurer** after it is recorded.

11.c. West's Ann.Cal.Gov. Code (2012), § 1459 reads (emphasis added):

After being recorded, the official **bond of the county clerk** shall be filed in the office of the **county treasurer**.

11.d. West's Ann.Cal.Gov. Code (2012), § 1455 reads (emphasis added):

Unless otherwise provided, all official bonds of state officers and employees not expressly prescribed by law shall be forwarded to the **Department of General Services** for recordation. Upon such recordation the Department of General Services shall forward the bonds to the **Secretary of State** where they shall be filed.

11.e. West's Ann.Cal.Gov. Code (2012), § 1454 reads (emphasis added):

Unless otherwise provided, the official bonds of state officers prescribed by law shall be approved by either the **Governor** or the **Director of General Services** and **filed and recorded** in the office of the **Secretary of State**.

11.f. West's Ann.Cal.Gov. Code (2012), § 1451 reads:

The approval of every official bond shall be indorsed thereon and signed by the officer approving the bond.

11.g. West's Ann.Cal.Gov. Code (2012), § 1452 reads:

No officer with whom any official bond is required to be filed shall file such bond until approved.

11.h. West's Ann.Cal.Gov. Code (2012), § 1453 reads:

Official bonds shall be recorded in a book kept for that purpose entitled "Record of Official Bonds."

### **II. C. Penalty for failure to timely file Official Bonds**

12. West's Ann.Cal.Gov. Code (2012), § 1770 reads (in part, emphasis added):

An office becomes **vacant** on the happening of any of the following events before the expiration of the term:

...

(i) His or her **refusal or neglect to file his or her required oath or bond** within the time prescribed.

13. I reasonably infer that most purported State of California officers(s) must post and maintain an Official Bond during the term of their office(s).

I certify within the laws of the State of California that the foregoing is true, correct, and complete.

Signature: \_\_\_\_\_

At: \_\_\_\_\_

Dated: \_\_\_\_\_

END