

Bylaw 9220: Governing Board Elections

Status: DRAFT

Original Adopted Date: 10/16/2007 | Last Revised Date: 08/08/2018 | Last Reviewed Date: 08/08/2018

Board Member Qualifications

Any person is eligible to be a Governing Board member **of the Governing Board**, without further qualifications, if ~~he/she~~**the person** is 18 years of age or older, a citizen of California, a resident of the school district **or, if applicable, the trustee area**, a registered voter, and not legally disqualified from holding civil office. Any person who has been convicted of a felony involving the giving, accepting, or offering of a bribe, embezzlement or theft of public funds, extortion, perjury, or conspiracy to commit any such crime, under California law or the law of another state, the United States of America, or another country, is not eligible to be a candidate for office or elected as a Board member except when ~~he/she~~**the person** has been granted a pardon in accordance with law. (Education Code 35107; Elections Code 20)

A district employee elected to the Board shall resign his/her ~~from district~~ employment before being sworn in or shall have his/her ~~the~~ employment automatically terminated upon being sworn into office. (Education Code 35107)

(cf. 9224 – Oath of Affirmation) (cf. 9270 – Conflict of Interest)

The Board encourages all candidates to become knowledgeable about the role of board members. The Superintendent or designee shall provide all candidates with information that will enable them to understand the responsibilities and expectations of being a Board member, including information regarding available workshops, seminars, and/or training. The Superintendent or designee shall provide all candidates with the county election official's contact information and general information about school programs, district operations, and Board responsibilities.

(cf. 9230 – Orientation) (cf. 9240 – Board Training)

Recalling a Board Member

A Board member may be recalled as permitted by Elections Code 11000. Proponents of a recall are required to serve, file, and publish or post a notice of intention to circulate the recall petition and to comply with other applicable law and formalities and county elections official directives. The petition, pursuant to Elections Code 11041, is required to be in the format provided by the Secretary of State and to include an estimate of the cost of conducting the special election, as determined by the county elections official, in consultation with the district.

Within 14 days after the meeting at which the Board receives a certificate of sufficiency of signatures on a recall petition from the county elections official, the Board shall order an election to be held to determine whether the Board member named in the petition shall be recalled. The election shall be held not less than 88, nor more than 125, days after the date that the Board orders the election. However, the election may be conducted within 180 days after the issuance of the Board's order to consolidate the election with a regularly scheduled election.

Recall elections shall be conducted in accordance with Elections Code 11381-11386.

Consolidation of Elections

To reduce costs associated with conducting elections, the Board may consolidate Board elections with the local municipal or statewide primary or general election in accordance with Elections Code 1302.

In addition, if a regularly scheduled Board election held other than on a statewide election date results in a decrease in local voter turnout of 25 percent or more compared to the average local turnout for the previous four statewide general elections, the Board shall take action to consolidate Board elections with statewide elections. ~~The district shall move its election to the next statewide election date, unless the Board has adopted a plan by January 1, 2018 to consolidate Board elections not later than the November 8, 2022 statewide general election.~~ (Elections Code 14051, 14052)

In order to consolidate elections based ~~the~~**on either** circumstance described above, the Board shall adopt a resolution and submit it to the County Board of Supervisors for approval not later than 240 days prior to the date of the currently scheduled district election. (Elections Code 10404.5)

Whenever a regularly scheduled Board election is changed due to consolidation of elections, the terms of office of incumbent Board members shall be extended to align with the next applicable election. (Election Code 10404.5)

(cf. 9110—Terms of Office)

Elections Process and Procedures

(Elections Code 10404.5)

Elections Process and Procedures

The district is divided into trustee areas and each trustee area shall be represented by a Board member who resides in and is elected by voters residing within that trustee area. Trustee areas shall be balanced by population as required by state and federal law.

Prior to March 1 following the year in which the results of each decennial federal census are released, the Board shall adjust the boundaries of the district's trustee areas based on population figures as validated by the Population Research Unit of the Department of Finance. (Education Code 5019.5)

To ensure ongoing compliance with the California Voting Rights Acts, the Board may review the district's Board election method to determine whether any modification is necessary due to changes in the district's population or any of its racial, color, or language minority group composition. The review shall be based on the Superintendent or designee's report to the Board after the release of each decennial federal census.

~~If **When the district's election method is to be changed**, the Board determines that a change is necessary, it shall hold public hearings in accordance with Elections Code 10100 before adopting a resolution at an open meeting specifying the change(s), and shall, in accordance with Education Code 5019, obtain approval from the county committee on school district organization having jurisdiction over the district.~~

(cf. 9320—Meetings and Notices)

Campaign Conduct

The election method or trustee-area boundaries in effect at the beginning of a Board member's term shall be used when any vacancy that occurs during that term is to be filled, even if, during the term, the district has adopted "by-trustee area" election method or trustee area boundaries have been adjusted.

Any petition for a special election ordered pursuant to Education Code 5091 shall contain the county election official's estimate of the cost of conducting the special election, expressed on a per-student basis. (Education Code 5091)

Campaign Conduct

All candidates, including current Board members running as incumbents, shall abide by local, county, state, and federal requirements regarding campaign donations, funding, and expenditures.

A Board member shall not expend, and a candidate shall not accept, any public money for the purpose of seeking elective office. However, the district may establish a dedicated fund for those seeking election to the Board, provided that the funds are available to all candidates who are qualified pursuant to Education Code 35107 without regard to incumbency or political preference. (Government Code 85300)

In order to help protect the public's trust in the electoral process as well as the public's confidence in the Board and district, the Board encourages all candidates to sign and adhere to the principles in the Code of Fair Campaign Practices pursuant to Elections Code 20440.

(cf. 0410—Nondiscrimination in District Programs and Activities) (cf. 9005—Governance Standards)

Statement of Qualifications

On the 125th day prior to the day fixed for the general district election, the Board secretary or his/her designee shall deliver a notice, bearing the secretary's signature and district seal, to the county elections official describing both of

the following: (Elections Code 10509)

1. The elective offices of the district to be filled at the general election and which offices, if any, are for the balance of an unexpired term
2. Whether the district or the candidate is to pay for the publication of a statement of qualifications pursuant to Elections Code 13307

(cf. 9223 – Filling Vacancies)

Candidates for the Board may submit a candidate statement to the elections official for inclusion in the voter's pamphlet. Candidate statements shall be limited to no more than 200 words. (Elections Code 13307)

When the elections official allows for the electronic distribution of candidate statements, a candidate for the Board may, in addition to or instead of submitting a candidate statement for inclusion in the mailed voter's pamphlet, prepare and submit a candidate statement for electronic distribution.

The district shall assume no part of the cost of printing, handling, translating or, mailing, **or electronically distributing** candidate statements filed pursuant to Elections Code 13307. As a condition of having candidate statements included in the hard copy and/or electronic voter's pamphlet, the district may require candidates to pay their estimated pro rata share of these costs to the district in advance as specified ~~in~~ **pursuant to** Elections Code 13307.

Tie Votes in Board Member Elections

Whenever a tie makes it impossible to determine which of two or more candidates has been elected to the Board, the Board shall immediately notify the candidates who received the tie votes of the time and place where the candidates or their representatives should appear before the Board. The Board at that time shall determine the winner by lot. (Education Code 5016) **(Education Code 5016)**

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References	Description
CA Constitution Article 2, Section 2	Voters; qualifications - https://simbli.eboardsolutions.com/SU/KKLw0OnoP51tFVmcD0r0cw==
CA Constitution Article 7, Section 7	Conflicting offices - https://simbli.eboardsolutions.com/SU/w2GJWnE8euW42mslshEhP4pdA==
CA Constitution Article 7, Section 8	Disqualification from office - https://simbli.eboardsolutions.com/SU/Q4yREwplusyW3K8LD1GiJq8Eg==
Ed. Code 1006	Prohibition against school district employees serving on county board of education - https://simbli.eboardsolutions.com/SU/Qnj8IKKU84qMv8ZX5ZPu1w==
Ed. Code 35107	School district employees
Ed. Code 35177	Campaign expenditures or contributions
Ed. Code 35239	Compensation of governing board member of districts with less than 70 ADA
Ed. Code 5000-5033	Election of school district board members
Ed. Code 5091	Vacancies; petition for special election
Ed. Code 5220-5231	Elections
Ed. Code 5300-5304	General provisions; conduct of elections
Ed. Code 5320-5329	Order and call of elections
Ed. Code 5340-5345	Consolidation of elections
Ed. Code 5360-5363	Election notice

Ed. Code 5380	Compensation; election officer
Ed. Code 5390	Qualifications of voters
Ed. Code 5420-5426	Cost of elections
Ed. Code 5440-5442	Miscellaneous provisions
Ed. Code 7054	Use of district property; campaign purposes
Elec. Code 10010	District boundaries
Elec. Code 10400-10418	Consolidation of elections
Elec. Code 10509	Notice of election by secretary
Elec. Code 10600-10604	School district elections
Elec. Code 11000	Recall of officers
Elec. Code 1302	Local elections; school district election
Elec. Code 13307	Candidate's statement
Elec. Code 13308	Candidate's statement contents
Elec. Code 13309	Candidate's statement; indigence
Elec. Code 14025-14032	California Voting Rights Act
Elec. Code 14050-14057	California Voter Participation Rights Act
Elec. Code 20	Public office eligibility
Elec. Code 20440	Code of Fair Campaign Practices
Elec. Code 2201	Grounds for cancellation
Elec. Code 4000-4008	Elections conducted wholly by mail
Gov. Code 1021	Conviction of crime
Gov. Code 1097	Illegal participation in public contract
Gov. Code 12940	Unlawful discriminatory employment practices
Gov. Code 1770	Vacancy of office
Gov. Code 81000-91014	Political Reform Act of 1974
Pen. Code 424	Embezzlement and falsification of accounts by public officers
Pen. Code 661	Removal for neglect or violation of official duty
Pen. Code 68	Bribes
Pen. Code 74	Acceptance of gratuity

Federal References

52 USC 10301-10508

Description

Voting Rights Act

Management Resources References

Attorney General Opinion
Attorney General Opinion
Attorney General Opinion
Attorney General Opinion
Attorney General Opinion
Court Decision
Court Decision
Court Decision

Description

105 Ops.Cal.Atty.Gen. 182 (2022)
69 Ops.Cal.Atty.Gen. 290 (1986)
81 Ops.Cal.Atty.Gen. 98 (1998)
83 Ops.Cal.Atty.Gen. 181 (2000)
85 Ops.Cal.Atty.Gen. 49 (2002)
Dusch v. Davis, (1967) 387 U.S. 112
Randall v. Sorrell, (2006) 126 S.Ct. 2479
Rey v. Madera Unified School District, (2012) 203 Cal. App. 4th 1223

Court Decision	Sanchez v. City of Modesto, (2006) 145 Cal. App. 4th 660
CSBA Publication	Legal Alert on the Impact of Senate Bill No. 415 on School Board Elections, January 2017
Website	CSBA District and County Office of Education Legal Services - https://simbli.eboardsolutions.com/SU/UdykszdmPETuDslshXk6R5akQ==
Website	Institute for Local Government - https://simbli.eboardsolutions.com/SU/U2G2edhR1agbQ5dqpPtfmA==
Website	Fair Political Practices Commission - https://simbli.eboardsolutions.com/SU/C2dGDtcJnwsIshMnGhy8IJcbw==
Website	California Secretary of State's Office - https://simbli.eboardsolutions.com/SU/boqYBvXk4Ayr0VpwsIsh5Z9FA==
Website	CSBA - https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==

Cross References

	Description
0410	Nondiscrimination In District Programs And Activities - https://simbli.eboardsolutions.com/SU/FnDZ7yHITUVLmcPBwcYa4w==
9005	Governance Standards - https://simbli.eboardsolutions.com/SU/DaF2m6lmSeyu1yItj5WuoA==
9110	Terms Of Office - https://simbli.eboardsolutions.com/SU/WORzG9YeNslsh2ZSK303R87lg==
9223	Filling Vacancies - https://simbli.eboardsolutions.com/SU/3H8slshnB52Eh4LdZR9FJS7slshg==
9224	Oath Or Affirmation - https://simbli.eboardsolutions.com/SU/z2csjKJxoqGaLgXB4slshaoQ==
9230	Orientation - https://simbli.eboardsolutions.com/SU/4qcNnLdU11insCheApKTew==
9240	Board Training - https://simbli.eboardsolutions.com/SU/UEZ32KICY7dyesIshkNkCHa3Q==
9270-E PDF(1)	Conflict Of Interest - https://simbli.eboardsolutions.com/SU/YARn4x3ogplqErh63MXQNg==
9270	Conflict Of Interest - https://simbli.eboardsolutions.com/SU/E4fcgnfSOiHslshULRaLOA3fA==
9320	Meetings And Notices - https://simbli.eboardsolutions.com/SU/OxDNy6bT6iJslshUjLW43u4bg==