

Bylaw 9220: Governing Board Elections

Status: DRAFT

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Board Member Qualifications

Any person is eligible to be a member of the Governing Board, without further qualifications, if 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. (**Education Code 35107**)

~~Any A person who has is not eligible to be a member of the Board if they have 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 an offense(s) as specified in law or and 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 accompanying Exhibit, except when the person has been granted a pardon in accordance with law. (Education Code 35107; Elections Code 20)~~

A district employee duly elected to the Board shall resign from district employment, or shall otherwise cease being a district employee, before being sworn in or shall have, If a district employee duly elected to the Board is sworn in and remains a district employee, then the employment shall automatically terminated terminate upon being sworn into office. (Education Code 35107)

The Board encourages all candidates to become knowledgeable about the role of board members. The Superintendent or designee shall provide all candidates a Board candidate, upon request by the candidate, 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 Additionally, the Superintendent or designee shall provide all candidates with a Board candidate, upon request by the candidate, the county election official's contact information and general information about school programs, district operations, and Board responsibilities.**

Recalling a Board Member

~~A Board member may be recalled as permitted by Elections Code 11000. Proponents of-11386. To commence a recall are required to of a Board member, proponents shall serve, file, and publish or post a notice of intention to circulate the recall petition as specified by law and to comply with other any applicable law and formalities and county elections official directives. The Additionally, the recall petition, pursuant to Elections Code 11041, is required to shall be in the format provided by the Secretary of State and to include, among other things, 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 regular 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. (**Elections Code 11240-11242**)

A recall election of a Board member shall be conducted in accordance with Elections Code 11381-11386.

If a recall of a Board member is successful, that Board member's seat becomes vacant and shall be filled in accordance with Education Code 5090-95 and Board Bylaw 9223 - Filling Vacancies.

Consolidation of Elections

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

~~In addition. Additionally, 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: (in accordance with Elections Code 14051,-14052).~~

In order to consolidate elections based 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. (Elections Code 10404.5)

Elections Process and Procedures

The district is divided into trustee areas and **For each election, upon certification by the County Board of Supervisors, the Board shall declare who has been elected to the Board in accordance with law. (Election Code 15400)**

A Board member whose term has expired shall continue to discharge the duties of the office until a successor has qualified by taking the oath of office. (Government Code 1302, 1360)

Each Board member shall reside in the trustee area they represent and 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 **Following** 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. **in accordance with Elections Code 21100-21180.** (Education Code 5019.5)

To ensure ongoing compliance with the California Voting Rights Acts, the **The** Board may review the district's Board election method to determine whether any modification is necessary due to changes in.

If the district's population or any of **district seeks to change** 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.

~~When the district's election method is to be changed, the Board shall follow procedural requirements and hold public hearings in accordance with Elections Code 1010010010 and 21100-21150 before adopting a resolution at an open meeting specifying the change(s), and shall, in accordance with Education Code 5019, and obtain approval from the county committee on school district organization having jurisdiction over the district. in accordance with Education Code 5019.~~

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~~**contributions**, 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.

Statement of Qualifications

On the 125th day prior to the day fixed for the general district election, the Board secretary or 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

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, 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 pursuant to Elections Code 13307.

Tie Votes in Board Member Elections

Whenever **the County Superintendent of Schools certifies to the Board that there is a tie** ~~makes vote such that it is~~ 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 ~~and place~~ shall determine the winner by lot. (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
CA Constitution Article 7, Section 7	Conflicting offices
CA Constitution Article 7, Section 8	Disqualification from office
Ed. Code 1006	Prohibition against school district employees serving on county board of education
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

State References

Ed. Code 5390
Ed. Code 5420-5426
Ed. Code 5440-5442
Ed. Code 7054
Elec. Code 10010
Elec. Code 10400-10418
Elec. Code 10509
Elec. Code 10600-10604
Elec. Code 11000
Elec. Code 1302
Elec. Code 13307
Elec. Code 13308
Elec. Code 13309
Elec. Code 14025-14032
Elec. Code 14050-14057
Elec. Code 15400
Elec. Code 18501
Elec. Code 20
Elec. Code 20440
Elec. Code 21100-21180
Elec. Code 2201
Elec. Code 4000-4008
Gov. Code 1021
Gov. Code 1097
Gov. Code 12940
Gov. Code 1770
Gov. Code 81000-91014
Gov. Code 9055
Gov. Code 9412
Pen. Code 165
Pen. Code 2772
Pen. Code 2790
Pen. Code 424
Pen. Code 661
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Pen. Code 98

Description

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[Illegal participation in public contract](#)
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Committing crimes against legislative power
Refusing to appear
Bribes to members of city council
Interfering with the work of prisoners
Interrupting the work of prisoners
[Embezzlement and falsification of accounts by public officers](#)
[Removal for neglect or violation of official duty](#)
Giving bribes
[Receiving bribes](#)
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[Crimes against legislative power](#)
Crimes against public justice

Federal References

52 USC 10301-10508

Description

Voting Rights Act

Management Resources References

Attorney General Opinion

Description

105 Ops.Cal.Atty.Gen. 182 (2022)

Attorney General Opinion

69 Ops.Cal.Atty.Gen. 290 (1986)

Attorney General Opinion

81 Ops.Cal.Atty.Gen. 98 (1998)

Attorney General Opinion

83 Ops.Cal.Atty.Gen. 181 (2000)

Attorney General Opinion

85 Ops.Cal.Atty.Gen. 49 (2002)

Court Decision

Dusch v. Davis (1967) 387 U.S. 112

Court Decision

Randall v. Sorrell (2006) 126 S.Ct. 2479

Court Decision

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](#)

Website

[Institute for Local Government](#)

Website

[Fair Political Practices Commission](#)

Website

[California Secretary of State's Office](#)

Website

[CSBA](#)**Cross References**

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