

Exhibit 9220-E(1): Governing Board Elections

Status: DRAFT

Original Adopted Date: Pending

This exhibit is a non-exhaustive list of offenses the conviction of which disqualifies a person from holding public office, including as a Governing Board member of a school district, in the State of California.

1. California Constitution, Article VII, Section 8: Giving or offering a bribe to procure personal election or appointment
2. California Constitution, Article VII, Section 8: Committing bribery, perjury, forgery, malfeasance in office, or other high crimes
3. Penal Code section 67: Giving or offering a bribe to any executive officer in the state to influence any decision made by that officer in their official capacity
4. Penal Code section 68: While an executive or ministerial officer, employee, or appointee of the state, a county, a city, or another political subdivision of the state, asking for, receiving, or agreeing to receive any bribe to influence any decision made by that person in their official capacity
5. Penal Code section 74: As a public officer, for gratuity or reward, appointing another person to public office, or permitting another person to exercise or discharge the duties of their office
6. Penal Code section 88: While a member of the Legislature or of a legislative body of a city, county, city and county, school district, or other special district, committing any of various crimes against the Legislative power, including bribery and logrolling
7. Penal Code section 98: While an officer, committing any of various bribery and corruption crimes against the public justice as specified in Penal Code 92-100, including bribing or threatening judges or jurors
8. Penal Code section 165: Giving or offering a bribe to a member of a city council or a board of supervisors to influence any decision made by that member in their official capacity
9. Penal Code section 424: While an officer of the state or of any county, city, town, or district of the state, or while otherwise charged with the receipt, safekeeping, transfer, or disbursement of public moneys, appropriating such moneys for personal use, or refusing to pay any public moneys as required by law
10. Penal Code section 2772: Interfering with the work of prisoners employed at a road camp, or giving or attempting to give such prisoners any controlled substances, intoxicating liquors, firearms, weapons, or explosives of any kind
11. Penal Code section 2790: Interrupting the work of prisoners employed at a public park or camp, or giving or attempting to give such prisoners any controlled substances, intoxicating liquors, firearms, weapons, or explosives of any kind
12. Government Code section 1021: Committing designated crimes as specified in the California Constitution or state law
13. Government Code section 1097: While a public official, being financially interested in a contract made in their official capacity, or by any body or board of which he or she is a member, or aiding or abetting a public official in committing such a violation
14. Government Code section 9055: While a member of the Legislature or of a legislative body of a city, county, city and county, school district, or other special district, committing any of various crimes against the Legislative power, including bribery and logrolling
15. Government Code section 9412: While a member of the Legislature, refusing to appear before the Senate, Assembly, or any committee of the Legislature after being summoned to testify, or while appearing before the Senate, Assembly, or any committee, refusing to be sworn or to answer any material and proper question, or refusing to produce, upon reasonable notice, any material and proper books, papers, or documents in their possession and under their control

16. **Elections Code section 20: Committing a felony involving accepting or giving, or offering to give, any bribe, the embezzlement of public money, extortion or theft of public money, perjury, or conspiracy to commit any of those crimes**
17. **Elections Code section 18501: While a public official, aiding the illegal casting of a vote at an election or otherwise facilitating the perpetration of election fraud**

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 |
| 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 15400 | Announcement of election results |

State References

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
 Pen. Code 67
 Pen. Code 68
 Pen. Code 74
 Pen. Code 88
 Pen. Code 98

Description

Election fraud
[Public office eligibility](#)
[Code of Fair Campaign Practices](#)
 FAIR MAPS Act
[Grounds for cancellation](#)
 Elections conducted wholly by mail
[Conviction of crime](#)
[Illegal participation in public contract](#)
[Unlawful discriminatory employment practices](#)
[Vacancy of office](#)
[Political Reform Act](#)
 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](#)
[Acceptance of gratuity](#)
[Crimes against legislative power](#)
 Crimes against public justice

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
 Court Decision
 CSBA Publication
 Website
 Website

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
 Sanchez v. City of Modesto (2006) 145 Cal. App. 4th 660
 Legal Alert on the Impact of Senate Bill No. 415 on School Board Elections, January 2017
[CSBA District and County Office of Education Legal Services](#)
[Institute for Local Government](#)

Management Resources References

Website

Description

[Fair Political Practices Commission](#)

Website

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

Website

[CSBA](#)

Cross References**Description**

0410

[Nondiscrimination In District Programs And Activities](#)

9005

[Governance Standards](#)

9110

[Terms Of Office](#)

9223

[Filling Vacancies](#)

9224

[Oath Or Affirmation](#)

9230

[Orientation](#)

9240

[Board Training](#)

9270

[Conflict Of Interest](#)

9270-E(1)

[Conflict Of Interest](#)

9320

[Meetings And Notices](#)