

BOARD BYLAW 9220: GOVERNING BOARD ELECTIONS

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, a registered voter and not legally disqualified from holding civil office. (Education Code 35107)

A person is not eligible to be a member of the Board if they have been convicted of an offense(s) as specified in law, 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 sworn in. If a district employee duly elected to the Board is sworn in and remains a district employee, then the employment shall automatically 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 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 Superintendent or designee shall provide 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.

Statement of Qualifications

The district shall assume no part of the cost of printing, handling, translating, electronically distributing or mailing candidate statements filed pursuant to Elections Code 13307. As a condition of having candidate statements included in the 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 Elections Code 13307.

One 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 expired 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)

Elections Process and Procedures

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)

Board members may reside anywhere within the district's boundaries and shall be elected by all voters in the district.

Campaign Conduct

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

Tie Votes in Board Member Elections

Whenever the County Superintendent of Schools certifies to the Board that there is a tie vote such that 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 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)

Legal Reference:

EDUCATION CODE

1006 Qualifications for holding office, county board of education

4000-4008 Elections conducted wholly by mail

5000-5033 Elections

5091 Vacancies; petition for special election

5220-5231 Elections

5300-5304 General provisions (conduct of elections)

5320-5329 Order and call of elections

5340-5345 Consolidation of elections

5360-5363 Election notice

5380 Compensation (of election officer)

5390 Qualifications of voters

5420-5426 Cost of elections

5440-5442 Miscellaneous provisions (re returns, recounts, etc.)

7054 Use of district property

35107 Eligibility; school district employees

35177 Campaign expenditures or contributions

35239 Compensation of governing board member of districts with less than 70 ADA

ELECTIONS CODE

20 Public office eligibility

1302 Local elections, school district election

2201 Grounds for cancellation

10010 District boundaries

10400-10418 Consolidation of elections

10509 Notice of election by secretary
10600-10604 School district elections
11000 Recall of officers
13307 Candidate's statement
13308 Candidate's statement contents
13309 Candidate's statement, indigency
14025-14032 California Voting Rights Act
14050-14057 California Voter Participation Rights Act
15400 Announcement of election results
18501 Election fraud
20440 Code of Fair Campaign Practices
21100-21180 FAIR MAPS Act
GOVERNMENT CODE
1021 Conviction of crime
1097 Illegal participation in public contract
1770 Vacancy of office
9055 Committing crimes against legislative power
9412 Refusing to appear
12940 Nondiscrimination, Fair Employment and Housing Act
81000-91013 Political Reform Act
PENAL CODE
67 Giving bribes
68 Bribes
74 Acceptance of gratuity
88 Crimes against legislative power
98 Crimes against public justice
165 Bribes to members of city council
424 Embezzlement and falsification of accounts by public officers
661 Removal for neglect or violation of official duty
2772 Interfering with the work of prisoners
2790 Interrupting the work of prisoners
CALIFORNIA CONSTITUTION
Article 2, Section 2 Voters, qualifications
Article 7, Section 7 Conflicting offices
Article 7, Section 8 Disqualification from office
UNITED STATES CODE, TITLE 52
10301-10508 Voting Rights Act
COURT DECISIONS
Rey v. Madera Unified School District, (2012) 203 Cal. App. 4th 1223
Randall v. Sorrell, (2006) 126 S.Ct. 2479
Sanchez v. City of Modesto, (2006) 145 Cal. App. 4th 660
Dusch v. Davis, (1967) 387 U.S. 112
ATTORNEY GENERAL OPINIONS
105 Ops.Cal.Atty.Gen. 182 (2022)
85 Ops.Cal.Atty.Gen. 49 (2002)
83 Ops.Cal.Atty.Gen. 181 (2000)
81 Ops.Cal.Atty.Gen. 98 (1998)
69 Ops.Ca.Atty.Gen. 290 (1986)

Management Resources:

CALIFORNIA SCHOOL BOARDS ASSOCIATION PUBLICATIONS

Legal Alert on the Impact of Senate Bill No. 415 on School Board Elections, January 2017

WEB SITES

Fair Political Practices Commission: <http://www.fppc.ca.gov>

CA Secretary of State's Office: <http://www.ss.ca.gov>

Institute for Local Government: <http://www.ca-ilg.org>