

GOVERNING BOARD ELECTIONS

Any person is eligible to be a member of the Governing Board, without further qualifications, if he/she 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) 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 be a Board member except when he/she 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 position before being sworn in or shall have his/her employment automatically terminated 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 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.

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 state 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 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

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

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To ensure ongoing compliance with the California and federal 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 the Board determines that a change is necessary, it shall adopt a resolution at an open meeting specifying the change(s) and shall, in accordance with Education Code 5019 or other applicable provisions of law, obtain approval from the county committee on school district organization having jurisdiction over the district.

(cf. 9320 - Meetings and Notices)

Campaign Conduct

(cf. 9110 - Terms of Office)

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 35107.

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

In order to encourage qualified voters to run for election to the Board, the district shall pay all but \$200 of the cost of printing, handling, translating and mailing candidate statements filed pursuant to Elections Code 10012. Candidate statements shall be limited to 200 words. (Elections Code 13307) Each candidate who files such a statement shall be required to pay \$200 of the cost at the time of filing.

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)

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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 candidate is to pay for the publication of a statement of qualifications 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 candidate or their representatives should appear before the Board. The Board at that time shall determine the winner by lot. (Education Code 5016)

Legal Reference:

EDUCATION CODE

- 1000 Composition, and trustee area, county board of education*
- 1006 Qualifications for holding office, county board of education*
- 5000-5033 Elections*
- 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*
- 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*
- 4000-4004 Elections conducted wholly by mail*
- 10400-10418 Consolidation of elections*
- 10509 Notice of election by secretary*
- 10600-10604 School district elections*
- 13307 Candidate's statement*
- 13309 Candidate's statement, indigence*
- 14025-14032 California Voting Rights Act*
- 20440 Code of Fair Campaign Practices*

GOVERNMENT CODE

Bylaws of the Board

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1021 Conviction of crime
1097 Illegal participation in public contract
12940 Nondiscrimination, Fair Employment and Housing Act
81000-91014 Political Reform Act
PENAL CODE
68 Bribes
74 Acceptance of gratuity
424 Embezzlement and falsification of accounts by public officers
661 Removal for neglect or violation of official duty
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 42
1973-1973aa-6 Voting Rights Act
COURT DECISIONS
Rey v. Madera Unified School District, (2012) 138 Cal. Rptr. 3d 192
Randall v. Sorrell, (2006) 126 S.Ct. 2479
Sanchez v. City of Modesto, (2006) 51 Cal.Rptr.3d 821
Dusch v. Davis, (1967) 387 U.S. 112
ATTORNEY GENERAL OPINIONS