

**Bylaw 9220: Governing Board Elections****Status:** ADOPTED**Original Adopted Date:** 06/01/2006 | **Last Revised Date:** 06/01/2024 | **Last Reviewed Date:** 06/01/2024**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)

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 and the accompanying Exhibit, except when the person has been granted a pardon in accordance with law. 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. 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. Additionally, 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.

**Recalling a Board Member**

A Board member may be recalled as permitted by Elections Code 11000-11386. To commence a recall 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 any applicable county elections official directives. Additionally, the recall petition shall be in the format provided by the Secretary of State and 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 a 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**

The Board may consolidate Board elections with the local municipal or statewide primary or general election in accordance with Elections Code 1302. 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, 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**

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)

#### **OPTION 1: (Election by trustee area)**

Each Board member shall reside in the trustee area they represent and shall be elected by voters residing within that trustee area. Trustee areas shall be balanced by population as required by state and federal law.

Following each decennial federal census the Board shall adjust the boundaries of the district's trustee areas in accordance with Elections Code 21100-21180. (Education Code 5019.5)

#### **OPTION 1 ENDS HERE**

#### **OPTION 2: (Election using "at-large" voting method)**

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

#### **OPTION 2 ENDS HERE**

#### **OPTION 3: (Election using hybrid method)**

Each Board member shall reside within the trustee area that the Board member represents but shall be elected by all voters in the district. Trustee areas shall be balanced by population as required by state and federal law.

Following each decennial federal census the Board shall adjust the boundaries of the district's trustee areas in accordance with Elections Code 21100-21180. (Education Code 5019.5)

### **OPTIONS 3 ENDS HERE**

The Board may review the district's Board election method to determine whether any modification is necessary.

If the district seeks to change its election method, the Board shall follow procedural requirements and hold public hearings in accordance with Elections Code 10010 and 21100-21150 before adopting a resolution at an open meeting specifying the change 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.

### **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.

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

**OPTION 1: (200 Words Limit)**

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)

**OPTION 1 ENDS HERE**

**OPTION 2: (400 Words Limit)**

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 400 words. (Elections Code 13307)

**OPTION 2 ENDS HERE**

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.

**OPTION 1: (Candidate Statement Paid by District)**

The district shall pay the cost of printing, handling, translating, mailing, and/or electronically distributing candidate statements filed pursuant to Elections Code 13307.

**OPTION 1 ENDS HERE**

**OPTION 2: (Candidate Statement Paid by Candidate)**

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 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.

**OPTION 2 ENDS HERE**

**Tie Votes in Board Member Elections**

**OPTION 1: (Tie Decided by Lot)**

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

**OPTION 1 ENDS HERE**

**OPTION 2: (Tie Decided by Runoff Election)**

Whenever the County Superintendent certifies to the Board that there is a tie vote such that it is impossible to determine which of two or more candidates has been elected to the Board, the Board shall schedule a runoff election in accordance with law. (Education Code 5016)

**OPTION 2 ENDS HERE**

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**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.

<b>State</b>	<b>Description</b>
CA Constitution Article 2, Section 2	<a href="#"><u>Voters; qualifications</u></a>
CA Constitution Article 7, Section 7	<a href="#"><u>Conflicting offices</u></a>
CA Constitution Article 7, Section 8	<a href="#"><u>Disqualification from office</u></a>
Ed. Code 1006	<a href="#"><u>Prohibition against school district employees serving on county board of education</u></a>
Ed. Code 35107	<a href="#"><u>School district employees</u></a>
Ed. Code 35177	<a href="#"><u>Campaign expenditures or contributions</u></a>
Ed. Code 35239	<a href="#"><u>Compensation of governing board member of districts with less than 70 ADA</u></a>
Ed. Code 5000-5033	<a href="#"><u>Election of school district board members</u></a>
Ed. Code 5091	<a href="#"><u>Vacancies; petition for special election</u></a>
Ed. Code 5220-5231	<a href="#"><u>Elections</u></a>
Ed. Code 5300-5304	<a href="#"><u>General provisions; conduct of elections</u></a>
Ed. Code 5320-5329	<a href="#"><u>Order and call of elections</u></a>
Ed. Code 5340-5345	<a href="#"><u>Consolidation of elections</u></a>
Ed. Code 5360-5363	<a href="#"><u>Election notice</u></a>
Ed. Code 5380	<a href="#"><u>Compensation; election officer</u></a>
Ed. Code 5390	<a href="#"><u>Qualifications of voters</u></a>
Ed. Code 5420-5426	<a href="#"><u>Cost of elections</u></a>

Ed. Code 5440-5442	<a href="#">Miscellaneous provisions</a>
Ed. Code 7054	<a href="#">Use of district property; campaign purposes</a>
Elec. Code 10010	<a href="#">District boundaries</a>
Elec. Code 10400-10418	<a href="#">Consolidation of elections</a>
Elec. Code 10509	<a href="#">Notice of election by secretary</a>
Elec. Code 10600-10604	<a href="#">School district elections</a>
Elec. Code 11000	<a href="#">Recall of officers</a>
Elec. Code 1302	<a href="#">Local elections; school district election</a>
Elec. Code 13307	<a href="#">Candidate's statement</a>
Elec. Code 13308	<a href="#">Candidate's statement contents</a>
Elec. Code 13309	<a href="#">Candidate's statement; indigence</a>
Elec. Code 14025-14032	<a href="#">California Voting Rights Act</a>
Elec. Code 14050-14057	<a href="#">California Voter Participation Rights Act</a>
Elec. Code 15400	<a href="#">Announcement of election results</a>
Elec. Code 18501	<a href="#">Election fraud</a>
Elec. Code 20	<a href="#">Public office eligibility</a>
Elec. Code 20440	<a href="#">Code of Fair Campaign Practices</a>
Elec. Code 21100-21180	<a href="#">FAIR MAPS Act</a>
Elec. Code 2201	<a href="#">Grounds for cancellation</a>
Elec. Code 4000-4008	Elections conducted wholly by mail
Gov. Code 1021	<a href="#">Conviction of crime</a>
Gov. Code 1097	<a href="#">Illegal participation in public contract</a>
Gov. Code 12940	<a href="#">Unlawful discriminatory employment practices</a>
Gov. Code 1770	<a href="#">Vacancy of office</a>
Gov. Code 81000-91014	<a href="#">Political Reform Act</a>
Gov. Code 9055	<a href="#">Committing crimes against legislative power</a>
Gov. Code 9412	<a href="#">Refusing to appear</a>
Pen. Code 165	<a href="#">Bribes to members of city council</a>
Pen. Code 2772	<a href="#">Interfering with the work of prisoners</a>
Pen. Code 2790	<a href="#">Interrupting the work of prisoners</a>

Pen. Code 424	<a href="#">Embezzlement and falsification of accounts by public officers</a>
Pen. Code 661	<a href="#">Removal for neglect or violation of official duty</a>
Pen. Code 67	<a href="#">Giving bribes</a>
Pen. Code 68	<a href="#">Receiving bribes</a>
Pen. Code 74	<a href="#">Acceptance of gratuity</a>
Pen. Code 88	<a href="#">Crimes against legislative power</a>
Pen. Code 98	<a href="#">Crimes against public justice</a>

**Federal**

52 USC 10301-10508

**Description**

Voting Rights Act

**Management Resources**

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**

<b>Code</b>	<b>Description</b>
0410	<u>Nondiscrimination In District Programs And Activities</u>
9005	<u>Governance Standards</u>
9110	<u>Terms Of Office</u>
9223	<u>Filling Vacancies</u>
9224	<u>Oath Or Affirmation</u>
9230	<u>Orientation</u>
9240	<u>Board Training</u>
9270	<u>Conflict Of Interest</u>
9270-E(1)	<u>Conflict Of Interest</u>
9320	<u>Meetings And Notices</u>