

GOVERNING BOARD ELECTIONS

I. Eligibility for Governing Board Membership

- A. 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; Elections Code 20)
- B. 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. (Elections Code 20)
- C. In addition, a person is ineligible to hold public office if he/she is not registered to vote. (Elections Code 2201)
- D. A district employee elected to the Board shall resign his/her employment before being sworn in or shall have his/her employment automatically terminated upon being sworn into office. (Education Code 35107)
- E. Board members may reside anywhere within the district's boundaries and shall be elected by all voters in the district. The Attorney General has opined that the election residence requirement in Education Code 35107 is a continuing qualification for holding the office during the entire term of the board member.
- F. 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.

II. Governing Board Election Procedures

- A. To reduce costs associated with conducting elections, the Board may consolidate Board elections with the local municipal or statewide primary or general election. Board election procedures shall be conducted in accordance with Elections Code 1302.
- B. 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.
- C. All candidates, including current Board members running as incumbents, shall abide by local, county, state, and federal requirements regarding campaign donations, funding, and expenditures.

III. Statement of Qualifications

- A. The district shall assume no part of the cost of printing, handling, translating, or mailing candidate statements filed pursuant to Education Code 13307.
- B. 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)
 - 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. That the candidate is to pay for the publication of a statement of qualifications pursuant to Elections Code 13307.

IV. Tie Votes in Board Member Elections

- A. A potential tie will be resolved by lot. (Education Code 5016)
- B. After an election for which the Board has decided to resolve a tie by lot, 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 shall determine the winner by lot. (Education Code 5016)

Legal Reference

EDUCATION CODE

1006	Qualifications for holding office, county board of education
5000-5033	Elections
5220-5231	Elections
5300-5304	General provision (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

ELECTIONS CODE

20	Public office eligibility
1302	Local elections, school district election
2201	Grounds for cancellation
4000-4008	Elections conducted wholly by mail
10010	District Boundaries
10400-10418	Consolidation of election

10509 Notice of election by secretary
10600-10604 School district elections
13307 Candidates statement
13308 Candidate's statement contents
13309 Candidate's statement, indigence
14025-14032 California Voting Rights Act
14050-14057 California Voter Participation Rights Act
20440 Code of Fair Campaign Practices

GOVERNMENT CODE

1021 Conviction of crime
1097 Illegal participation in public contract
12940 Nondiscrimination, Fair Employment and Housing Act
81000-91014 Political Reform Act
85101 Previous or local conflicting limitations

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

COURT DECISIONS

Rey v. Madera Unified School District, (2012) 2003 Cal. App. 4th 1223
Randall v. Sorrell, (2006) 126 S.Ct. 2479
Sanchez v. City of Modesto, (2006)
Dusch v. Davis, (1967) 387 U.S. 112

ATTORNEY GENERAL OPINIONS

85 Ops.Cal.Atty.Gen. 49 (2002)
83 Ops.Cal.Atty.Gen. 181 (2000)
81 Ops.Cal.Atty.Gen. 98 (1998)
69 Ops.Cal.Atty.Gen. 290 (1986)

MANAGEMENT RESOURCES:

California School Boards Association Publication: Legal Alert on the Impact of Senate Bill No. 415 on School Board Elections, January 2017

WEB SITES

CSBA: <http://www.csba.org>
California Secretary of State's Office: <http://www.ss.ca.gov>
Fair Political Practices Commission: <http://www.fppc.ca.gov>
Institute for Local Self Government: <http://www.ca-ilg.org>

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