



BYLAWS

BOARD POLICY – GOVERNING BOARD ELECTIONS

BP 9220

The County Board of Education shall consist of seven (7) members whose terms shall be staggered so that, as nearly as practicable, one half of the members shall be elected at each regular County Board election. (Education Code 1000, 1007)

Board Member Qualifications

Other than the County Superintendent of Schools, a member of the Santa Barbara County Education Office (SBCEO) staff, or an employee of a school district that is within the jurisdiction of the County Board, any registered voter is eligible to be a member of the County Board if that person is an elector of the trustee area to be represented and is not legally disqualified from holding civil office. (Education Code 1000, 1006)

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 to be elected as a County Board member unless granted a pardon in accordance with law. (Elections Code 20)

The County Board encourages all candidates to become knowledgeable about the role of the County Board. When available, candidates shall be provided information about the responsibilities and expectations of being a County Board member, information regarding available workshops, seminars, and/or training, the county election official's contact information, and general information about school programs, SBCEO operations, and County Board responsibilities.

Recalling a Board Member

A County Board member may be recalled as permitted by Elections Code 11000. Proponents of a recall are required to serve, file, and publish or post a notice of intention to circulate the recall petition and to comply with other applicable law and formalities and county elections official directives. The petition, pursuant to Elections Code 11041, is required to be in the format provided by the Secretary of State and to include 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 County Board meeting at which a certificate of sufficiency of signatures on a recall petition is received from the county elections official, the County Board shall order an election to be held to determine whether the County 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.

Recall elections shall be conducted in accordance with Elections Code 11381-11386.

Election Date

To reduce costs associated with conducting elections, the election of County Board members shall be consolidated with the local municipal or statewide primary or general election in accordance with a County Board resolution approved by the County Board of Supervisors. (Elections Code 1302, 10404.5) In Santa Barbara County, all school board elections, including the County Board's election, are held on the first Tuesday after the first Monday in November of each even-numbered year.

Term of Office

The term of office for County Board members elected in regular elections shall be four years, commencing on the second Friday in December following their election. (Education Code 1007, 5017)

A County 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)

Campaign Conduct

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

No candidate shall expend or accept any public money for the purpose of seeking elective office, unless the SBCEO has established a dedicated fund for those seeking election to the County Board and such funds are available to all qualified candidates 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 County Board and the SBCEO, the County 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 election, the County Board

secretary or designee shall deliver a notice, bearing the secretary's signature and seal, to the county elections official describing both of the following: (Elections Code 10509)

1. The elective offices of the County Board to be filled at the general election and which offices, if any, are for the balance of an unexpired term
2. Whether the County Board or the candidate is to pay for the publication of a statement of qualifications pursuant to Elections Code 13307

Candidates for the County 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)

When the elections official allows for the electronic distribution of candidate statements, a candidate for the County 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.

The County Board 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 County Board may require candidates to pay their estimated pro rata share of these costs to the County Board in advance 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 County Board, the County Board shall schedule a runoff election in accordance with law. (Education Code 5016)

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.

Federal	Description
52 USC 10301-10508	Voting Rights Act

Management Resources	Description
Attorney General Opinion	105 Ops.Cal.Atty.Gen. 182 (2022)
Attorney General Opinion	85 Ops.Cal.Atty.Gen. 49 (2002)
Attorney General Opinion	83 Ops.Cal.Atty.Gen. 181 (2000)
Attorney General Opinion	81 Ops.Cal.Atty.Gen. 98 (1998)
Attorney General Opinion	69 Ops.Cal.Atty.Gen. 290 (1986)
Court Decision	Sanchez v. City of Modesto, (2006) 145 Cal. App. 4th 660
Court Decision	Rey v. Madera Unified School District, (2012) 203 Cal. App. 4th 1223
Court Decision	Randall v. Sorrell, (2006) 126 S.Ct. 2479
Court Decision	Dusch v. Davis, (1967) 387 U.S. 112

CSBA Publication	Legal Alert on the Impact of Senate Bill No. 415 on School Board Elections, January 2017
Website	<u>Institute for Local Government</u>
Website	<u>Fair Political Practices Commission</u>
Website	<u>CSBA</u>
Website	<u>California Secretary of State's Office</u>

State

CA Constitution Article 2, Section 2
 CA Constitution Article 7, Section 7
 CA Constitution Article 7, Section 8
 Ed. Code 1006

Ed. Code 35107
 Ed. Code 35177
 Ed. Code 35239

Ed. Code 5000-5033
 Ed. Code 5220-5231
 Ed. Code 5300-5304
 Ed. Code 5320-5329
 Ed. Code 5340-5345
 Ed. Code 5360-5363
 Ed. Code 5380
 Ed. Code 5390
 Ed. Code 5420-5426
 Ed. Code 5440-5442
 Ed. Code 7054
 Elec. Code 10010
 Elec. Code 10400-10418
 Elec. Code 10509
 Elec. Code 10600-10604
 Elec. Code 11000
 Elec. Code 1302
 Elec. Code 13307
 Elec. Code 13308
 Elec. Code 13309
 Elec. Code 14025-14032
 Elec. Code 14050-14057
 Elec. Code 20
 Elec. Code 20440
 Elec. Code 2201
 Elec. Code 4000-4008
 Gov. Code 1021
 Gov. Code 1097
 Gov. Code 12940
 Gov. Code 1360
 Gov. Code 1770
 Gov. Code 81000-91014
 Pen. Code 424
 Pen. Code 661
 Pen. Code 68
 Pen. Code 74

Description

Voters; qualifications
Conflicting offices
Disqualification from office
Prohibition against school district employees serving on county board of education
 School district employees
 Campaign expenditures or contributions
 Compensation of governing board member of districts with less than 70 ADA
 Election of school district board members
 Elections
 General provisions; conduct of elections
 Order and call of elections
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 Use of district property; campaign purposes
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 Candidate's statement contents
 Candidate's statement; indigence
 California Voting Rights Act
 California Voter Participation Rights Act
 Public office eligibility
 Code of Fair Campaign Practices
 Grounds for cancellation
 Elections conducted wholly by mail
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 Illegal participation in public contract
 Unlawful discriminatory employment practices
 Necessity of taking constitutional oath
 Vacancy of office
 Political Reform Act of 1974
 Embezzlement and falsification of accounts by public officers
 Removal for neglect or violation of official duty
 Bribes
 Acceptance of gratuity

ADOPTED BY COUNTY BOARD: July 3, 1975
REVISED: August 1, 1991, April 7, 1994, December 13, 2019, March 14, 2024