

TITLE: Governing Board Elections	
<p>Approved by: <u><i>Francisco Reveles</i></u> Francisco Reveles, Ed.D., Superintendent of Schools</p> <p>Approved by: <u><i>Marjorie Renicker</i></u> Marjorie Renicker, Board President</p>	<p>Series: Board Bylaw Version: 4 Effective Date: 5/11/2022 Previous Policy Date: 9/11/2002 Revised By: Committee Policy Number: BB 9220</p>

The County Board of Education shall consist of five 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)

Election procedures shall be followed in accordance with state and federal law.

Board Member Qualifications

Any person other than the County Superintendent of Schools, a member of the county office of education (COE) staff, or an employee of a school district that is within the jurisdiction of the County Board 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 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. Upon request, all candidates shall be provided with information that will enable them to understand the responsibilities and expectations of being a County Board member, including information regarding available workshops, seminars, and/or training, the county election official's contact information, and general information about school programs, COE operations, and County Board responsibilities.

Election Date

The election of County Board members shall be held on the first Tuesday after the first Monday in November of each odd-numbered year. (Elections Code 1302)

Term of Office

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

A 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 COE 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 COE, 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 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

Candidates for the County Board may submit a candidate statement to the elections official for inclusion in the voter's pamphlet.

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 immediately notify the candidates who received the tie votes of the time and place where the candidates or their representatives should appear before the County Board. At that time the County Board shall determine the winner by lot. (Education Code 5016)

Federal	Description
1000	Composition, and trustee area, county board of education
1002	Trustee area boundaries and membership changes
1006	Qualifications for holding office, county board of education
1007	Elections
1017	Expiration of terms
1021	Conviction of crime
10400-10418	Consolidation of elections
10509	Notice of election by secretary
10600-10604	School district elections
12940	Nondiscrimination, Fair Employment and Housing Act
1302	Local elections
1303	Exercising functions of office without having qualified
13307	Candidate's statement
13309	Candidate's statement, indigence
14025-14032	California Voting Rights Act
20	Public office eligibility
20440	Code of Fair Campaign Practices
2201	Grounds for cancellation
321	Elector
4000-4004	Elections conducted wholly by mail
424	Embezzlement and falsification of accounts by public officers
5000-5033	Elections
52 USC 10301-10508	Voting Rights Act
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
661	Removal for neglect or violation of official duty
68	Ops.Cal.Atty.Gen. 65 (1985)

69	Ops.Cal.Atty.Gen. 290 (1986)
81	Ops.Cal.Atty.Gen. 156 (1998)
83	Ops.Cal.Atty.Gen. 181 (2000)
85	Ops.Cal.Atty.Gen. 49 (2002)
Management Resources	Description
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)
California School Boards Association Publication	Legal Alert on the Impact of Senate Bill No. 415 on School Board Elections, January 2017
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
Website	Institute for Local Government
Website	Fair Political Practices Commission
Website	CSBA
Website	California Secretary of State's Office
State	Description
10301-10508	Voting Rights Act
CA Constitution Article 2, Section 2	Voters, qualifications
CA Constitution Article 7, Section 7	Conflicting offices
CA Constitution Article 7, Section 8	Disqualification from office
Ed. Code 1006	Qualifications for holding office, county board of education
Ed. Code 35107	School district employees
Ed. Code 35177	Campaign expenditures or contributions
Ed. Code 35239	Compensation of governing board member of districts with less than 70 ADA
Ed. Code 5000-5033	Election of school district board members
Ed. Code 5220-5231	Elections
Ed. Code 5300-5304	General provisions (conduct of elections)
Ed. Code 5320-5329	Order and call of elections
Ed. Code 5340-5345	Consolidation of elections
Ed. Code 5360-5363	Election notice
Ed. Code 5380	Compensation (of election officer)
Ed. Code 5390	Qualifications of voters
Ed. Code 5420-5426	Cost of elections
Ed. Code 5440-5442	Miscellaneous provisions
Ed. Code 7054	Use of district property, campaign purposes
Elec. Code 10010	District boundaries
Elec. Code 10400-10418	Consolidation of elections
Elec. Code 10509	Notice of election by secretary
Elec. Code 10600-10604	School district elections

Elec. Code 1302	Local elections, school district election
Elec. Code 13307	Candidate's statement
Elec. Code 13308	Candidate's statement contents
Elec. Code 13309	Candidate's statement, indigence
Elec. Code 14025-14032	California Voting Rights Act
Elec. Code 14050-14057	California Voter Participation Rights Act
Elec. Code 20	Public office eligibility
Elec. Code 20440	Code of Fair Campaign Practices
Elec. Code 2201	Grounds for cancellation
Elec. Code 4000-4008	Elections conducted wholly by mail
Gov. Code 1021	Conviction of crime
Gov. Code 1097	Illegal participation in public contract
Gov. Code 12940	Unlawful discriminatory employment practices
Gov. Code 1360	Necessity of taking constitutional oath
Gov. Code 81000-91014	Political Reform Act of 1974
Pen. Code 424	Embezzlement and falsification of accounts by public officers
Pen. Code 661	Removal for neglect or violation of official duty
Pen. Code 68	Bribes
Pen. Code 74	Acceptance of gratuity

Cross References

Code	Description
9230	<u>Orientation</u>