

Bylaws of the Board

Governing Board Elections

Board Member Qualifications

Any person is eligible to be a member of the Board of Education, without further qualifications, if the person 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)

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, except when the person has been granted a pardon in accordance with law. (Education Code 35107)

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. (E.C. 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.

Electing Board Members

Board of Education election procedures shall be conducted in accordance with the California Education Code and Elections Code.

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)

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.

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.

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.

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)

Campaign Conduct

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 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

Candidates for the Board may submit a candidate statement to the election official for inclusion in the Voter's pamphlet. Candidate statements shall be limited to no more than 400 words. (Elections Code 13307)

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.

Tie Votes in Board Member Elections

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 shall determine the winner by lot. (Education Code 5016)

Legal Reference:

EDUCATION CODE

- 1006 Prohibition against school district employees serving on county board of education
- 5000-5033 Election of school district board members
- 5091 Vacancies; petition for special election
- 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; election officer
- 5390 Qualifications of voters
- 5420-5426 Cost of elections
- 5440-5442 Miscellaneous provisions
- 7054 Use of district property; campaign purposes
- 35107 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
4000-4008 Elections conducted wholly by mail
10010 District boundaries
10400-10418 Consolidation of elections
10509 Notice of election by secretary
10600-10604 School district elections
11000 Recall of officers
13307 Candidate's statement
13308 Candidate's statement contents
13309 Candidate's statement, indigence
14025-14032 California Voting Rights Act
14050-14057 California Voter Participation Rights Act
15400 Announcement of election results
18501 Election fraud
20440 Code of Fair Campaign Practices
21100-21180 FAIR MAPS Act

GOVERNMENT CODE

1021 Conviction of crime
1097 Illegal participation in public contract
1770 Vacancy of office
9055 Committing crimes against legislative power
9412 Refusing to appear
12940 Unlawful discriminatory employment practices
81000-91014 Political Reform Act

PENAL CODE

67 Giving bribes
68 Receiving Bribes
74 Acceptance of gratuity
88 Crimes against legislative power
98 Crimes against public justice
165 Bribes to members of city council
424 Embezzlement and falsification of accounts by public officers
661 Removal for neglect or violation of official duty
2772 Interfering with the work of prisoners
2790 Interrupting the work of prisoners

UNITED STATES CODE, TITLE 52

10301-10508 Voting Rights Act

ORANGE UNIFIED SCHOOL DISTRICT
Orange, California

Adopted: (7-88 10-92 12-05 4-12 8-13 8-23) 9-24