

BYLAWS OF THE BOARD

County Board of Education Elections

Eligibility to be a County Board Member

Any person is eligible to be a County Board member, without further qualifications, if (s)he is 18 years of age or older, a citizen of California, a resident of San Joaquin County, a registered voter, and not legally disqualified from holding civil office. 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. The eligibility exceptions include the county superintendent of schools, any member of his/her staff, or any employee of a school district within the jurisdiction of the county board of education.

A San Joaquin County Office of Education (SJCOE) employee elected to the Board shall resign his/her position before being sworn in or shall have his/her employment automatically terminated upon being sworn into office.

County Board of Education election procedures shall be conducted in accordance with the California Education Code and Elections Code. Whenever possible, the Board shall consolidate Board elections with the direct primary election.

Electing Board Members

The jurisdiction of the county board is divided into areas and each area shall be represented by a Board member who resides in and is elected by voters residing within that area. Board member areas shall be balanced by population as required by state and federal law.

Prior to March 1 following the year in which the results of each decennial federal census are released, the Board shall adjust the boundaries of the county board areas based on population figures as validated by the Population Research Unit of the Department of Finance.

Campaign Conduct

In order to help protect the public's trust in the electoral process as well as the public's confidence in the Board and SJCOE, 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 fixed day for the direct primary election, the Board secretary, or his/her designee, shall deliver a notice, bearing the secretary's signature, to the county election official describing both of the following:

1. The elective offices of the county office to be filled at the direct primary election and which offices, if any, are for the balance of an unexpired term.
2. The county office shall assume no part of the cost of printing, handling, translating, or mailing of candidate statements filed pursuant to Elections Code 13307. As a condition of having candidate statements included in the voter's pamphlet, the county office may require candidates to pay their estimated pro rata share of these costs to the county office in advance pursuant to Elections Code 13307.

Candidate statements shall be limited to no more than 200 words.

Tie Votes in Elections

Potential tie votes will be resolved with a runoff election. The Board shall schedule the runoff election in accordance with law.

cf: 0410 Nondiscrimination in Programs and Services
9110 Regular Members; Terms of Office
9223 Filling Vacancies
9224 Oath of Affirmation
9270 Conflict of Interest
9320 Meetings and Notices

Legal Reference:

EDUCATION CODE

1000 Composition, and trustee area, county board of education

1006 Qualifications for holding office

5016 Tie votes

5019.5 Adjustment of trustee areas after census data released

5000-5033 Elections

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
7054 Use of district property
35177 Campaign expenditures or contributions

ELECTIONS CODE

20 Public office eligibility
1302 Local elections, school district election
2201 Grounds for cancellation
4000-4004 Elections conducted wholly by mail
10400-10418 Consolidation of elections
10509 Notice of election by secretary
13307 Candidate's statement
13309 Candidate's statement, indigence
14025-14032 California Voting 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

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

(4/13)