

**Bylaw 9220 Governing Board Elections**

**Status: ADOPTED**

**Original Adopted Date:** 06/1988

**Last Revised Date:** 05/15/2024

**Board Member Qualifications**

Any person is eligible to be a Governing Board member, without further qualifications, if the person is 18 years of age or older, a citizen of California, a resident of the school district or, if applicable, the trustee area, 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 elected as a Board member except when the person has been granted a pardon in accordance with law. (Education Code 35107; Elections Code 20)

A district employee elected to the Board shall resign from district employment before being sworn in or shall have their employment automatically terminated upon being sworn into office. (Education Code 35107)

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.

**Recalling a Board Member**

A 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 meeting at which the Board receives a certificate of sufficiency of signatures on a recall petition from the 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.

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

### **Consolidation of Elections**

To reduce costs associated with conducting elections, the Board may consolidate Board elections with the local municipal or statewide primary or general election in accordance with Elections Code 1302. In addition, 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. (Elections Code 14051, 14052)

In order to consolidate elections based on either circumstance described above, 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 member shall be extended to align with the next applicable election. (Elections Code 10404.5)

### **Elections Process and Procedures**

The district is divided into trustee areas and each trustee area shall be represented by a Board member who resides in and is elected by voters residing within that trustee area. Trustee 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 district's trustee areas based on population figures as validated by the Population Research Unit of the Department of Finance. (Education Code 5019.5)

To ensure ongoing compliance with the California 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.

When the district's election method is to be changed, the Board shall hold public hearings in accordance with Elections Code 10100 before adopting a resolution at an open meeting specifying the change(s), and shall, in accordance with Education Code 5019, 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, even if, during the term, the district has adopted "by-trustee area" election method or trustee area boundaries have been adjusted.

Any petition for a special election ordered pursuant to Education Code 5091 shall contain the county election official's estimate of the cost of conducting the special election, expressed on a per-student basis. (Education Code 5091)

### **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, in consultation with legal counsel, the Board may pass a resolution and determine a process to have the district 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 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 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 district shall assume no part of the cost of printing, handling, translating, mailing, or electronically distributing candidate statements filed pursuant to Election Code 13307. As a condition of having candidate statements included in the hard copy and/or electronic 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 in Member Elections

Whenever a tie makes it 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)

06/88  
03/92  
6/97  
11/12/97  
8/12/98  
02/98  
03/01  
11/06  
5/9/07  
10/13  
6/22/16  
9/27/17  
03/09/22

### 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.

#### 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 5091  
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

#### 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](#)  
[Vacancies; petition for special election](#)  
[Elections](#)  
[General provisions; conduct of elections](#)  
[Order and call of elections](#)  
[Consolidation of elections](#)  
[Election notice](#)  
[Compensation; election officer](#)  
[Qualifications of voters](#)  
[Cost of elections](#)  
[Miscellaneous provisions](#)  
[Use of district property; campaign purposes](#)  
[District boundaries](#)  
[Consolidation of elections](#)

Elec. Code 10509	<a href="#">Notice of election by secretary</a>
Elec. Code 10600-10604	<a href="#">School district elections</a>
Elec. Code 11000	<a href="#">Recall of officers</a>
Elec. Code 1302	<a href="#">Local elections; school district election</a>
Elec. Code 13307	<a href="#">Candidate's statement</a>
Elec. Code 13308	<a href="#">Candidate's statement contents</a>
Elec. Code 13309	<a href="#">Candidate's statement; indigence</a>
Elec. Code 14025-14032	<a href="#">California Voting Rights Act</a>
Elec. Code 14050-14057	<a href="#">California Voter Participation Rights Act</a>
Elec. Code 20	<a href="#">Public office eligibility</a>
Elec. Code 20440	<a href="#">Code of Fair Campaign Practices</a>
Elec. Code 2201	<a href="#">Grounds for cancellation</a>
Elec. Code 4000-4008	Elections conducted wholly by mail
Gov. Code 1021	<a href="#">Conviction of crime</a>
Gov. Code 1097	<a href="#">Illegal participation in public contract</a>
Gov. Code 12940	<a href="#">Unlawful discriminatory employment practices</a>
Gov. Code 1770	<a href="#">Vacancy of office</a>
Gov. Code 81000-91014	<a href="#">Political Reform Act</a>
Pen. Code 424	<a href="#">Embezzlement and falsification of accounts by public officers</a>
Pen. Code 661	<a href="#">Removal for neglect or violation of official duty</a>
Pen. Code 68	<a href="#">Bribes</a>
Pen. Code 74	<a href="#">Acceptance of gratuity</a>
<b>Federal</b>	<b>Description</b>
52 USC 10301-10508	Voting Rights Act
<b>Management Resources</b>	<b>Description</b>
Attorney General Opinion	105 Ops.Cal.Atty.Gen. 182 (2022)
Attorney General Opinion	69 Ops.Cal.Atty.Gen. 290 (1986)
Attorney General Opinion	81 Ops.Cal.Atty.Gen. 98 (1998)
Attorney General Opinion	83 Ops.Cal.Atty.Gen. 181 (2000)
Attorney General Opinion	85 Ops.Cal.Atty.Gen. 49 (2002)
Court Decision	Dusch v. Davis, (1967) 387 U.S. 112
Court Decision	Randall v. Sorrell, (2006) 126 S.Ct. 2479
Court Decision	Rey v. Madera Unified School District, (2012) 203 Cal. App. 4th 1223
Court Decision	Sanchez v. City of Modesto, (2006) 145 Cal. App. 4th 660
CSBA Publication	Legal Alert on the Impact of Senate Bill No. 415 on School Board Elections, January 2017
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">Institute for Local Government</a>
Website	<a href="#">Fair Political Practices Commission</a>
Website	<a href="#">California Secretary of State's Office</a>
Website	<a href="#">CSBA</a>
<b>Cross References</b>	<b>Description</b>
<b>Code</b>	<b>Description</b>
0410	<a href="#">Nondiscrimination In District Programs And Activities</a>
9005	<a href="#">Governance Standards</a>
9110	<a href="#">Terms Of Office</a>
9223	<a href="#">Filling Vacancies</a>
9224	<a href="#">Oath Or Affirmation</a>
9230	<a href="#">Orientation</a>
9240	<a href="#">Board Training</a>
9270	<a href="#">Conflict Of Interest</a>

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9320

[Conflict Of Interest  
Meetings And Notices](#)