

Board Bylaws

GOVERNING BOARD ELECTIONS

Any person is eligible to be a Board member if he/she is 18 years of age or older, a citizen of the state, a resident of the school district, a registered voter and not legally disqualified from holding civil office. (Education Code 35107)

It is the Board's intent to change its election methodology from the current at-large methodology as authorized by Education Code 5030(a), to the by-trustee area election methodology authorized by Education Code 5030(b) such that the by-trustee area methodology is in place for the school district's November 2018 election.

A district 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. (Education Code 35107)

(cf. 9224 - Oath of Affirmation)

(cf. 9270 - Conflict of Interest)

Whenever possible, the Board shall consolidate Board elections with the local municipal or statewide general election. Board election procedures shall be conducted in accordance with the state and federal law.

(cf. 9110 - Terms of Office)

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 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.

(cf. 0410 - Nondiscrimination in District Programs and Activities)

(cf. 9005 - Governance Standards)

Statement of Qualifications

The District shall assume no part of the cost of printing, handling, translating or mailing 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.

On the 125th day prior to the day fixed for the general district election, the Board secretary or his/her 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)

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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

(cf. 9223 - Filling Vacancies)

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

35107 Eligibility
5000-5033 Election of governing board members
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
35107 Eligibility; school district employees
35177 Campaign expenditures or contributions

ELECTIONS CODE

35239 Compensation of governing board member of districts with less than 70 ADA
13307 Candidate's statement
10509 Notice of election by secretary
10600-10604 School district elections
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

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ELECTIONS CODE

- 10600-10604 School district elections
- 13307 Candidate's statement
- 13309 Candidate's statement, indigency
- 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

CALIFORNIA CONSTITUTION

- Article 2, Section 2 Voters, qualifications
- Article 7, Section 7 Conflicting offices
- Article 7, Section 8 Disqualification from office

COURT DECISIONS

- Randall v. Sorrell, (2006) 126 S.Ct. 2479

ATTORNEY GENERAL OPINIONS

- 85 Ops.Cal.Atty.Gen. 49 (2002)
- 83 Ops.Cal.Atty.Gen. 181 (2000)
- 81 Ops.Cal.Atty.Gen. 98 (1998)
- 69 Ops.Cal.Atty.Gen. 290 (1986)

Management Resources:

WEB SITES

California Secretary of State's Office: <http://www.ss.ca.gov> Fair Political Practices
Commission: <http://www.fppc.ca.gov> Institute for Local Self Government: <http://www.islg.org>

WESTMINSTER SCHOOL DISTRICT

Westminster, California

Bylaw Adopted: July 5, 1990

Revised: April 15, 1993

Revised: June 11, 2009

Revised: August 31, 2017