Bylaw 9220: Governing Board Elections

Board Member Qualifications

Any person is eligible to be a member of the Governing Board, 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 required, the trustee area; 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 Governing 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.

A district employee duly elected to the Governing 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 Governing Board is sworn in and remains a district employee, then the district's employment of the employee shall automatically terminate upon being sworn into office. (Education Code 35107)

Additionally, a person duly appointed or elected to the Governing Board who holds an incompatible office at the time the Governing Board member is sworn in to office as a Board member may not continue to serve in the incompatible office, and shall be deemed to have forfeited the incompatible office in accordance with Government Code 1099.

The Governing Board encourages all candidates to become knowledgeable about the role of board members. Upon request by a Board candidate, the Superintendent or designee shall provide the candidate with:

1. Information regarding the responsibilities and expectations of a Board member, including information regarding available workshops, seminars, and/or training

2. The county election official's contact information and general information about school programs, district operations, and Governing Board responsibilities

A candidate's residence address, telephone number, and email address recorded with the applicable county election official shall be kept confidential in accordance with state law. (Elections Code 2166.9)

Recalling a Board Member

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 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 elections official, in consultation with the district.(Elections Code 11000-11386)

Within 14 days after the regular meeting at which the Governing Board receives a certificate of sufficiency of signatures on a recall petition from an elections official, the Governing Board shall order an election to be held to determine whether the Governing 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 Governing Board orders the election. However, the election may be conducted within 180 days after the issuance of the Governing Board's order to consolidate the election with a regularly scheduled election. (Elections Code 11240-11242)

A recall election of a Governing Board member shall be conducted in accordance with Elections Code 11381-11386.

If a recall of a Governing Board member is successful, that Governing Board member's seat becomes vacant and shall be filled in accordance with Education Code 5090-5095 and Board Bylaw 9223 - Filling Vacancies.

However, a recalled Board member may not be appointed to the seat that was vacated by the recall. (Elections Code 11382)

Consolidation of Elections

The Governing 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 Governing 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 Governing Board shall take action to consolidate Governing Board elections with statewide elections in accordance with Elections Code 14051-14052.

In order to consolidate elections, the Governing Board shall adopt a resolution and submit it to the County Board of Supervisors for approval no later than 240 days prior to the date of the currently scheduled district election. (Elections Code 10404.5)

Whenever a regularly scheduled Governing Board election is changed due to consolidation of elections, the terms of office of incumbent Governing Board members shall be extended to align with the next applicable election. (Elections Code 10404.5)

Elections Process and Procedures

For each election, upon receipt of the certified statement of the results of the election from the applicable county elections officials, the Board shall declare which individuals have been elected to the Board in accordance with law. (Elections Code 15372, 15400)

The declaration shall be transmitted to the county elections official with primary jurisdiction for the district, who shall then issue and deliver a certificate of election to each person elected. (Elections Code 15400-15401)

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 in the trustee area they represent and shall be elected by voters residing within that trustee area. Trustee areas shall be balanced by population as required by state and federal law.

Following each decennial federal census, the Board shall adjust the boundaries of the district's trustee areas in accordance with Elections Code 21100-21180. (Education Code 5019.5)

The Governing Board may review the district's Board election method to determine whether any modification is necessary.

If the district seeks to change its election method, the Governing Board shall follow procedural requirements and hold public hearings in accordance with Elections Code 10010 and 21100-21150 before adopting a resolution at an open meeting specifying the change and obtaining approval from the county committee on school district organization with primary jurisdiction for the district in accordance with Education Code 5019.

The election method or trustee-area boundaries in effect at the beginning of a Governing 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.

Campaign Finance

All candidates, including current Governing Board members running as incumbents, shall abide by local, county, state, and federal requirements regarding campaign contributions, funding, and expenditures.

A Governing Board candidate shall not expend or 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 Governing 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 Governing Board and district, the Governing 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 Governing 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 applicable 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 400 words. (Elections Code 13307)

When the elections official allows for the electronic distribution of candidate statements, a candidate for the Governing 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. (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 with primary jurisdiction for the district certifies to the Governing 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 Governing Board, the Governing 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 Governing Board. The Governing Board at that time and place shall determine the winner by lot. (Education Code 5016)