

**BOARD OF EDUCATION ELECTIONS**

Any person is eligible to be a member of the Governing Board, without further qualifications, if he/she 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. 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. (Education Code 35107; Elections Code 20)

A district employee elected to the Board shall resign his/her employment 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)*

To reduce costs associated with conducting elections, the Board may consolidate Board elections with the local municipal or statewide primary or general election. Board election procedures shall be conducted in accordance with state and federal law.

*(cf. 9110 - Terms of Office)*

**Electing Board Members**

Board members may reside anywhere within the district's boundaries and shall be elected by all voters in the district.

*(cf. 9320 - Meetings and Notices)*

**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**

**OPTION 1:** In order to help defray the costs of campaigning for the Board, the district shall pay the cost of printing, handling, translating, and mailing candidate statements filed pursuant to Elections Code 13307.

**BOARD OF EDUCATION ELECTIONS (continued)**

**OPTION 2:** The district 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 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)

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: (see next page)*

## **BOARD OF EDUCATION ELECTIONS (continued)**

*Legal Reference:*

**EDUCATION CODE**

*1000 Composition, and trustee area, county board of education*

*1006 Qualifications for holding office, county board of education*

*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*

*35107 Eligibility; 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*

*4000-4004 Elections conducted wholly by mail*

*10400-10418 Consolidation of elections*

*10509 Notice of election by secretary*

*10600-10604 School district elections*

*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*

*Legal Reference continued: (see next page)*

BOARD OF EDUCATION ELECTIONS (continued)

Legal Reference: (continued)

CALIFORNIA CONSTITUTION

Article 2, Section 2 Voters, qualifications

Article 7, Section 7 Conflicting offices

Article 7, Section 8 Disqualification from office

UNITED STATES CODE, TITLE 42

1973-1973aa-6 Voting Rights Act

COURT DECISIONS

*Rey v. Madera Unified School District*, (2012) 138 Cal. Rptr. 3d 192

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

*Sanchez v. City of Modesto*, (2006) 51 Cal. Rptr. 3d 821

*Dusch v. Davis*, (1967) 387 U.S. 112

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

CSBA: <http://www.csba.org>

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.ca-ilg.org>

Bylaw  
adopted:

SANTA ROSA CITY SCHOOLS  
Santa Rosa, California