

## GOVERNING BOARD ELECTIONS

### I. Eligibility for Governing Board Membership

- A. Any person is eligible to be a member of the Governing Board governing Board members, 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. (Education Code 35107)
- B. 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. (Elections Code 20)
- C. In addition, a person is ineligible to hold public office if he/she is not registered to vote. (Elections Code 2201)
- D. 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)
- E. Board members may reside anywhere within the district's boundaries and shall be elected by all voters in the district.
- F. The Attorney General has opined that the election residence requirement in Education Code 35107 is a continuing qualification for holding the office during the entire term of the board member.

### II. Governing Board Election Procedures

- A. 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. (Elections Code 1302 and 10404.5)
- B. 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

### III. Statement of Qualifications

- A. The district shall assume no part of the cost of printing, handling, translating, or mailing candidate statements filed pursuant to Education Code 13307.
- B. 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. That the candidate is to pay for the publication of a statement of qualifications pursuant to Elections Code 13307.

### IV. Tie Votes in Board Member Elections

- A. A potential tie will be resolved by lot. (Education Code 5016)
- B. After an election for which the Board has decided to resolve a tie by lot, 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

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 provision (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

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 election
10509	Notice of election by secretary
10012	Candidate's statement
10600-10604	School district elections
13307	Candidates 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
81000-91013	Political Reform Act
85101	Previous or local conflicting limitations

## 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

## UNITED STATES CODE, TITLE 42

1973-1973aa-6	Voting Rights Act
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## 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>

ADOPTED: 8/24/79; Rev. 2/14/79

REVISION/REDESIGNATION: 7/12/95, (*BP 1004 - Membership, Sec. 3*)

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