

## Bylaw 9220: Governing Board Elections

Status: DRAFT

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### Board Member Qualifications

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

Any person who has is not eligible to be a member of the Board if they have 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 an offense(s) as specified in law and 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 accompanying Exhibit, except when the person he/she has been granted a pardon in accordance with law. (Education Code 35107; Elections Code 20)

A district employee duly elected to the Board shall resign from district his/her employment or shall otherwise cease being a district employee, before being sworn in. If a district employee duly elected to the Board is sworn in and remains a district employee, the the employment shall or shall have his/her 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 a Board candidate, upon request by the candidate, 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. Additionally, the The Superintendent or designee shall provide a Board candidate, upon request by the candidate, 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 11000-11386. 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 county 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 county elections official, in consultation with the district.

Within 14 days after the regular meeting at which the Board receives a certificate of sufficiency of signatures on a recall petition from a 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 no 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. (Elections Code Section 11240-11242)

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

If a recall of a Board member is successful, that Board member's seat becomes vacant and shall be filled in accordance with Education Code Section 5090-95 and Board Bylaw 9223 - Filing Vacancies.

### Consolidation of Elections

To reduce costs associated with conducting elections, tThe Board may consolidate Board elections with the local municipal or statewide primary or general election in accordance with Elections Code 1302.

Additionally, 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 in accordance with: The district shall move its election to the next state statewide election date, unless the Board has adopted a plan by January 1, 2018 to consolidate Board elections not later than the November 8, 2022 statewide general election. (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 members shall be extended to align with the next applicable election. (Elections Code 10404.5)

### **Elections Process and Procedures**

For each election, upon certification by the County Board of Supervisors, the Board shall Declare who has been elected to the Board in accordance with law. (Election Code Section 15400).

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 Section 1302, 1360).

Each Board member shall reside in the trustee area they represent and shall be s 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 F Following 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. in accordance with Elections Code Section 2110-21180 (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.

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

If the district seeks to change its election method, the Board determines that a change is necessary, it shall follow procedural requirements and hold public hearings in accordance with Elections Code 10100-10010 and 21100-21150 before adopting a resolution at an open meeting specifying the change (s), and shall, in accordance with Education Code 5019, and obtain approval from the county committee on school district organization having jurisdiction over the district in accordance with Education Code Section 5019.:

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-trusteearea" election method or trustee area boundaries have been adjusted.

### **Campaign Conduct**

All candidates, including current Board members running as incumbents, shall abide by local, county, state, and federal requirements regarding campaign donations, contributions, 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, the district may 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 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

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 Elections 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 Member Elections**

Whenever ~~a tie makes t~~the County Superintendent of Schools certifies to the Board that there is a tie vote such that ~~it is 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 ~~and place~~ shall determine the winner by lot. (Education Code 5016)

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