

BOARD ELECTIONS

Any person is eligible to be a Board of Trustees member, without further qualifications, 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. 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 position before being sworn in 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 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. The Superintendent or designee shall provide 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. Proponents of a recall are required to serve, file, and publish or post a notice of intention to circulate the recall petition and to comply with other applicable law and formalities and county elections official directives. The petition, pursuant to Elections Code 11041, is required to be in the format provided by the Secretary of State and to include 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 meeting at which the Board receives a certificate of sufficiency of signatures on a recall petition from the 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 not 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.

Recall elections shall be conducted in accordance with Elections Code 11381-11386.

Consolidation of Elections

To reduce costs associated with conduction elections, the Board may consolidate Board elections with the local municipal or statewide primary or general election. accordance with state and federal law.

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

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consolidate Board elections with statewide elections. 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)

Election Process and Procedures

The district is divided into trustee areas 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 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. (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.

If the Board determines that a change is necessary, it shall hold public hearings in accordance with Elections Code 10100 before adopting a resolution at an open meeting specifying the change(s), and shall, in accordance with Education Code 5019, obtain approval from the county committee on school district organization having jurisdiction over the district.

Campaign Conduct

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

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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 principals 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, or mailing of 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

Before each election, the Board shall decide whether to resolve a potential tie by lot or by a runoff election. If the Board has decided to resolve a tie by lot, the Board shall, immediately after the election, 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. If the Board has decided to resolve a tie with a runoff election, the Board shall schedule the runoff election in accordance with law. (Education Code 5016)

State

CA Constitution Article 2, Section 2: Voters, qualifications

CA Constitution Article 7, Section 7: Conflicting offices

CA Constitution Article 7, Section 8: Disqualification from office

Ed. Code 1006: Prohibition against school district employees serving on county board of education

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Ed. Code 35107: School district employees
Ed. Code 35177: Campaign expenditures or contributions
Ed. Code 35239: Compensation of governing board member of districts with less than 70 ADA
Ed. Code 5000-5033: Election of school district board members
Ed. Code 5091: Vacancies; petition for special election
Ed. Code 5220-5231: Elections
Ed. Code 5300-5304: General provisions (conduct of elections)
Ed. Code 5320-5329: Order and call of elections
Ed. Code 5340-5345: Consolidation of elections
Ed. Code 5360-5363: Election notice
Ed. Code 5380: Compensation (of election officer)
Ed. Code 5390: Qualifications of voters
Ed. Code 5420-5426: Cost of elections
Ed. Code 5440-5442: Miscellaneous provisions
Ed. Code 7054: Use of district property, campaign purposes
Elec. Code 10010: District boundaries
Elec. Code 10400-10418: Consolidation of elections
Elec. Code 10509: Notice of election by secretary
Elec. Code 10600-10604: School district elections
Elec. Code 11000: Recall of officers
Elec. Code 1302: Local elections, school district election
Elec. Code 13307: Candidate's statement
Elec. Code 13308: Candidate's statement contents
Elec. Code 13309: Candidate's statement, indigence
Elec. Code 14025-14032: California Voting Rights Act
Elec. Code 14050-14057: California Voter Participation Rights Act
Elec. Code 20: Public office eligibility
Elec. Code 20440: Code of Fair Campaign Practices
Elec. Code 2201: Grounds for cancellation
Elec. Code 4000-4008: Elections conducted wholly by mail
Gov. Code 1021: Conviction of crime
Gov. Code 1097: Illegal participation in public contract
Gov. Code 12940: Unlawful discriminatory employment practices
Gov. Code 81000-91014: Political Reform Act of 1974
Pen. Code 424: Embezzlement and falsification of accounts by public officers
Pen. Code 661: Removal for neglect or violation of official duty
Pen. Code 68: Bribes
Pen. Code 74: Acceptance of gratuity
Federal
52 USC 10301-10508: Voting Rights Act
Management Resources
Attorney General Opinion: 105 Ops.Cal.Atty.Gen. 182 (2022)
Attorney General Opinion: 69 Ops.Cal.Atty.Gen. 290 (1986)
Attorney General Opinion: 81 Ops.Cal.Atty.Gen. 98 (1998)
Attorney General Opinion: 83 Ops.Cal.Atty.Gen. 181 (2000)
Attorney General Opinion: 85 Ops.Cal.Atty.Gen. 49 (2002)
Court Decision: Dusch v. Davis, (1967) 387 U.S. 112

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Court Decision: Randall v. Sorrell, (2006) 126 S.Ct. 2479

Court Decision: Rey v. Madera Unified School District, (2012) 203 Cal. App. 4th 1223

Court Decision: Sanchez v. City of Modesto, (2006) 145 Cal. App. 4th 660

CSBA Publication: Legal Alert on the Impact of Senate Bill No. 415 on School Board Elections, January 2017

Website: CSBA District and County Office of Education Legal Services

Website: Institute for Local Government

Website: Fair Political Practices Commission

Website: California Secretary of State's Office

Website: CSBA

Bylaw Adopted: 02-8-23

ORCUTT UNION SCHOOL DISTRICT
Orcutt, California