



Santa Ana Unified School District

BOARD BYLAWS NO: 9220

EFFECTIVE: 10/22/2019

SUBJECT: Governing Board Elections

CATEGORY: Board Bylaws

RESPONSIBLE OFFICE(S): Superintendent's Office

SCOPE:

The Board of Education shall consist of members whose terms shall be staggered so that, as nearly as practicable, one half of the members shall be elected at each regular Board of Education election. (Education Code 1000, 1007) Election procedures shall be followed in accordance with state and federal law.

Board Member Qualifications

Any person other than the County Superintendent of Schools, a member of the county office of education (COE) staff, or an employee of a school district that is within the jurisdiction of the Board of Education is eligible to be a member of the Board of Education if that person is an elector of the trustee area to be represented and is not legally disqualified from holding civil office. (Education Code 1000, 1006) 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 elected as a Board of Education member unless granted a pardon in accordance with law. (Elections Code 20)

The Board of Education encourages all candidates to become knowledgeable about the role of the Board of Education. Upon request, all candidates shall be provided with information that will enable them to understand the responsibilities and expectations of being a Board of Education member, including information regarding available workshops, seminars, and/or training, the county election official's contact information, and general information about school programs, COE operations, and Board of Education responsibilities. (cf. 9230 - Orientation) (cf. 9240 - Board Training)

POLICY:

Election Date

To reduce costs associated with conducting elections, the election of Board of Education members shall be consolidated with the local municipal or statewide primary or general election in accordance with a Board of Education resolution approved by the Board of Education of Supervisors. (Elections Code 1302, 10404.5) A 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)

Campaign Conduct

All candidates, including current Board of Education members running as incumbents, shall abide by local, state, and federal requirements regarding campaign donations, funding, and expenditures. No candidate shall expend or accept any public money for the purpose of seeking elective office, unless the Board of Education has established a dedicated fund for those seeking election to the Board of



Santa Ana Unified School District

BOARD BYLAWS NO: 9220

EFFECTIVE: 10/22/2019

SUBJECT: Governing Board Elections
CATEGORY: Board Bylaws
RESPONSIBLE OFFICE(S): Superintendent's Office

Education and such funds are available to all qualified candidates 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 of Education, the Board of Education encourages all candidates to sign and adhere to the principles in the Code of Fair Campaign Practices pursuant to Elections Code 20440.

DESIRED OUTCOME:

Statement of Qualifications

On the 125th day prior to the day fixed for the general election, the Board of Education secretary or designee shall deliver a notice, bearing the secretary's signature and seal, to the county elections official describing both of the following. 1. The elective offices of the Board of Education to be filled at the general election and which offices, if any, are for the balance of an unexpired term
2. Whether the Board of Education or the candidate is to pay for the publication of a statement of qualifications pursuant to Elections Code 13307

Candidates for the Board of Education 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 of Education 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 Board of Education shall assume no part of the cost of printing, handling, translating or mailing candidate statements filed pursuant to Elections Code 13307. As a condition of having candidate statements included in the voter's pamphlet, the Board of Education may require candidates to pay their pro rata share of these costs to the Board of Education in advance as specified in 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 of Education, the Board of Education 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 of Education. At that time the Board of Education shall determine the winner by lot. (Education Code 5016)

IMPLEMENTATION GUIDELINES AND ASSOCIATED DOCUMENTS:

Legal Reference:



Santa Ana Unified School District

BOARD BYLAWS NO: 9220

EFFECTIVE: 10/22/2019

SUBJECT: **Governing Board Elections**

CATEGORY: Board Bylaws

RESPONSIBLE OFFICE(S): Superintendent's Office

Education Code

| | |
|-----------|--|
| 1000 | Composition, and trustee area, Board of Education of education |
| 1002 | Trustee area boundaries and membership changes |
| 1006 | Qualifications for holding office, Board of Education of education |
| 1007 | Elections |
| 1017 | Expiration of terms |
| 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 (re returns, recounts, etc.) |

Elections Code

| | |
|-------------|---|
| 20 | Public office eligibility |
| 321 | Elector |
| 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, indigency |
| 14025-14032 | California Voting Rights Act |
| 20440 | Code of Fair Campaign Practices |

California Government Code

| | |
|-------------|---|
| 1021 | Conviction of crime |
| 1302 | Continuance in office until qualification of successor |
| 1303 | Exercising functions of office without having qualified |
| 1360 | Necessity of taking constitutional oath |
| 12940 | Nondiscrimination, Fair Employment and Housing Act |
| 81000-91014 | Political Reform Act |

Penal Code



Santa Ana Unified School District

BOARD BYLAWS NO: 9220

EFFECTIVE: 10/22/2019

SUBJECT: **Governing Board Elections**

CATEGORY: Board Bylaws

RESPONSIBLE OFFICE(S): Superintendent's Office

| | |
|-----|---|
| 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 52

10301-10508 Voting Right Act

Court Decisions

Shelby County v. Holder, (2013) 133 S. Ct. 2612

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

Randall v. Sorrell, (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 Board of Educations of Education: <http://www.theccbe.org>

California Secretary of State's Office: <http://www.ss.ca.gov>

ADOPTION AND REVISION HISTORY:

Adopted: (10-00, 5-03, 5-14)