

Bylaws of the Board

Governing Board Elections

Any person is eligible to be a Board 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 resident of his/her trustee district, a registered voter, and not legally disqualified from holding civil office

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. (EC 35107)

Governing Board election procedures shall be conducted in accordance with the California Education Code and Elections Code.

Statement of Qualifications:

The District shall assume no part of the cost of printing, handling, translating, or mailing candidate statements filed pursuant to Elections Code 13307). Candidates may be required to pay their pro rata share of these costs to the district in advance.

Candidate statements shall be limited to no more than 200 words (Elections Code 13307)

The Board secretary shall notify the county clerk of this policy on or before the 125th day before each Board member election. (Elections Code 23510.5)

Limitation of Campaign Contributions and Expenditures:

The Board believes that the district and community will be best served by imposing reasonable limitations on the amount of money that may be contributed to or spent by any campaign for election to district office. Therefore, candidates for Board elections shall accept campaign contributions within the limits prescribed by Government Code 85301 as follows:

- (a) A person, other than a small contributor committee or political party committee, may not make to any candidate for elective state office other than a candidate for statewide elective office, and a candidate for elective state office other than a candidate for statewide elective office may not accept from a person, any contribution totaling more than three thousand dollars (\$3,000) per election.
- (b) Except to a candidate for Governor, a person, other than a small contributor committee or political party committee, may not make to any candidate for statewide elective office, and except a candidate for Governor, a candidate for statewide elective office may not accept from a person other than a small contributor committee or a political party committee, any contribution totaling more than five thousand dollars (\$5,000) per election.
- (c) A person, other than a small contributor committee or political party committee, may not make to any candidate for Governor, and a candidate for governor may not accept from any person other than a small contributor committee or political party committee, any contribution totaling more than twenty thousand dollars (\$20,000) per election.
- (d) The provisions of this section do not apply to a candidate's contributions of his or her personal funds to his or her own campaign.

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 lots shall be cast to determine the winner. (Education Code 5016)

Legal Reference:

EDUCATION CODE

5000-5033 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.)

35107 Eligibility; school district employees

35177 Campaign expenditures or contributions

ELECTIONS CODE

1302 Local elections, school district election

2201 Grounds for cancellation

2220-2226 Residency confirmation procedures

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

GOVERNMENT CODE

1021 Conviction of crime

1097 Illegal participation in public contract

81000-91013 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

CALIFORNIA CONSTITUTION

Article 2, Section 2 Voters, qualifications

Article 7, Section 7 Conflicting offices

Article 7, Section 8 Disqualification from office

COURT DECISIONS

California Prolife Council Political Action Committee v. Jan Scully et. al., (1998) 989 F.Supp. 1282

ATTORNEY GENERAL OPINIONS

83 Ops. Cal. Atty. Gen. 181 (2000)

81 Ops. Cal. Atty. Gen. 98 (1998)

Management Resources:

WEB SITES

Fair Political Practices Commission: <http://www.fppc.ca.gov>

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