

Bylaw 9220: Governing Board Elections

Status: ADOPTED

Original Adopted Date: 06/01/2006 | **Last Revised Date:** 08/01/2026 | **Last Reviewed Date:** 08/01/2026

CSBA NOTE: While many district elections are governed by state law, some district elections are governed by the applicable city or county charter, or both. This bylaw is written based on state law but should be modified to the extent a city or county charter applies.

Because the filling of elective offices involves serious issues of constitutional and statutory concerns, it is recommended that districts with questions related to local elections consult CSBA's District and County Office of Education Legal Services or district legal counsel.

Board Member Qualifications

CSBA NOTE: Education Code 35107 details eligibility for Governing Board membership as specified below, including the requirement to be registered to vote. Elections Code 2201 lists the causes for cancelling an individual's voter registration, including, but not limited to, legally established mental incompetency, proof that the person is presently imprisoned or on parole for conviction of a felony, or official notification that the voter is registered to vote in another country or state.

Additionally, pursuant to certain provisions of the California Constitution and various state laws, the conviction of certain offenses makes a person ineligible to be a Board member, except when the person has been granted a pardon in accordance with law. For a non-exhaustive list of such offenses, see the accompanying exhibit.

Any person is eligible to be a member of the Governing Board, without further qualifications, if the person is: 18 years of age or older; a citizen of California; a resident of the school district or, if required, the trustee area; a registered voter; and not legally disqualified from holding civil office. (Education Code 35107)

A person is not eligible to be a member of the Board if they have been convicted of an offense(s) as specified in law, except when the person has been granted a pardon in accordance with law.

A district employee duly elected to the Board shall resign from district 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, then the district's employment of the employee shall automatically terminate upon being sworn into office. (Education Code 35107)

CSBA NOTE: Pursuant to Government Code 1099, an individual is prohibited from simultaneously holding two public offices that are incompatible.

In 109 Ops.Cal.Atty.Gen. 106 (2026), the Attorney General granted a request to sue an individual serving both as a county board of education member and as a school board member of a district within the jurisdiction of the county board on the grounds that there was a substantial legal question that the two offices were incompatible pursuant to Government Code 1099.

Additionally, a person duly appointed or elected to the Board who holds an incompatible office at the time the Board member is sworn in to office as a Board member may not continue to serve in the incompatible office, and shall be deemed to have forfeited the incompatible office in accordance with Government Code 1099.

CSBA NOTE: See CSBA's website for information about governing board services that may be provided to candidates.

The Board encourages all candidates to become knowledgeable about the role of board members. Upon request by a Board candidate, the Superintendent or designee shall provide the candidate with:

1. Information regarding the responsibilities and expectations of a Board member, including information regarding available workshops, seminars, and/or training
2. The county election official's contact information and general information about school programs, district operations, and Board responsibilities

CSBA NOTE: Pursuant to Elections Code 2166.9, as added by AB 1392 (Ch. 300, Statutes of 2025), the residence address, telephone number, and email address of a Board candidate appearing on the affidavit of registration is required to be kept confidential except as provided by state law.

A candidate's residence address, telephone number, and email address recorded with the applicable county election

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Any person is eligible to be a member of the Board of Education, 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. 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 employment 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.

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

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)

Electing Board Members

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)

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.

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

In order to help defray the costs of campaigning for the Board, the district shall pay the cost of printing, handling, translating, and mailing candidate statements filed pursuant to Elections Code 13307.

Candidate statements shall be limited to no more than 200 words. (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, 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)

official shall be kept confidential in accordance with state law. (Elections Code 2166.9)

Recalling a Board Member

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 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 elections official, in consultation with the district. (Elections Code 11000-11386)

CSBA NOTE: Pursuant to Elections Code 11240, within 14 days after the regular Board meeting at which the Board received a certificate of sufficiency to recall a Board member, the Board is required to order a recall election and set a date for the recall election in accordance with law. Pursuant to Elections Code 11241, if the Board fails to do so, the elections official of the county which has jurisdiction over the district is required to set the date for the recall election within five days after the expiration of the 14-day window.

Within 14 days after the regular meeting at which the Board receives a certificate of sufficiency of signatures on a recall petition from an 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. (Elections Code 11240-11242)

A recall election of a Board member shall be conducted in accordance with Elections Code 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 5090-5095 and Board Bylaw 9223 - Filling Vacancies.

CSBA NOTE: Pursuant to Elections Code 11382, as amended by AB 94 (Ch. 251, Statutes of 2025), a recalled Board member may not be appointed to the seat that was vacated by the recall. For information on filling vacancies, see BB 9223 - Filling Vacancies.

However, a recalled Board member may not be appointed to the seat that was vacated by the recall. (Elections Code 11382)

Consolidation of Elections

CSBA NOTE: The following section is for districts that currently hold their Board elections at a time that is not concurrent with municipal or statewide elections.

In general, Education Code 5000 and Elections Code 1302 require the regular election of Board members to be held on the first Tuesday after the first Monday in November of each odd-numbered year. However, in accordance with Elections Code 1302 and 10404.5, districts are authorized to request consolidation of their Board elections with the local municipal or state primary or general election by adopting a Board resolution and submitting it to the County Board of Supervisors for approval. Most districts choose to consolidate their Board elections with the local municipal or state primary or general election.

Pursuant to Elections Code 14051-14052, districts are required to hold elections concurrent with statewide elections if holding nonconcurrent elections has previously resulted in a "significant decrease" in voter turnout, as defined. Districts consolidating their elections due to low voter turnout should follow the procedures specified in Elections Code 1302, including the adoption of a Board resolution. For further analysis, see CSBA's, "Legal Alert on the Impact of Senate Bill No. 415 on School Board Elections."

The Board may consolidate Board elections with the local municipal or statewide primary or general election in accordance with Elections Code 1302. Additionally, 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 Elections Code 14051-14052.

In order to consolidate elections, 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

CSBA NOTE: Pursuant to Elections Code 15307, as added by AB 5 (Ch. 250, Statutes of 2025), county elections officials are required to finish counting all ballots, with certain exceptions, and release a vote count for those ballots by the 13th day following an election. Pursuant to Elections Code 15400, after each election and the counting of the ballots has been completed, the Board is required to declare who has been elected to the Board.

For each election, upon receipt of the certified statement of the results of the election from the applicable county elections officials, the Board shall declare which individuals have been elected to the Board in accordance with law. (Elections Code 15372, 15400)

CSBA NOTE: The following paragraph is for districts with board elections that have voters in more than one county and should be deleted by all other districts.

The declaration shall be transmitted to the county elections official with primary jurisdiction for the district, who shall then issue and deliver a certificate of election to each person elected. (Elections Code 15400-15401)

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 1302, 1360)

CSBA NOTE: Option #1 below is for use where Board members are elected by trustee area. Option #2 below is for use where Board members are elected "at large." Option #3 below is for use where Board members are elected using a "hybrid" method.

OPTION 1: (Election by trustee area)

Each Board member shall reside in the trustee area they represent and shall be elected by voters residing within that trustee area. Trustee areas shall be balanced by population as required by state and federal law.

CSBA NOTE: Elections Code 21100-21180 establishes a comprehensive set of rules that local governments are required to follow during the redistricting process.

Following each decennial federal census the Board shall adjust the boundaries of the district's trustee areas in accordance with Elections Code 21100-21180. (Education Code 5019.5)

OPTION 1 ENDS HERE

CSBA NOTE: Any district that selects Option 2 or 3 should ensure that its decision is consistent with law.

OPTION 2: (Election using "at-large" voting method)

Board members may reside anywhere within the district's boundaries and shall be elected by all voters in the district.

OPTION 2 ENDS HERE

CSBA NOTE: In addition to the methods described in Option 1 and Option 2, a district may use a "hybrid" method, which requires each Board member to reside within the trustee area that the Board member represents but be elected by all voters in the district. The extent, if any, to which a district using this "hybrid" method is required to balance its trustee areas by population is unclear.

OPTION 3: (Election using hybrid method)

Each Board member shall reside within the trustee area that the Board member represents but shall be elected by all voters in the district. Trustee areas shall be balanced by population as required by state and federal law.

CSBA NOTE: Elections Code 21100-21180 establishes a comprehensive set of rules that local governments are required to follow during the redistricting process.

Following each decennial federal census the Board shall adjust the boundaries of the district's trustee areas in accordance with Elections Code 21100-21180. (Education Code 5019.5)

OPTIONS 3 ENDS HERE

CSBA NOTE: The following paragraph may be revised to reflect district practice. Districts using Option 2 or 3 above should periodically monitor the demographics within their geographical boundaries to ensure that no violation of law occurs.

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

CSBA NOTE: Converting from an "at-large" (Option 2 above) or a "hybrid" (Option 3 above) voting method to a "by trustee area" (Option 1 above) voting method involves complex issues of law regarding matters such as the redrawing of maps, required approvals, and transition dates. Elections Code 10010 and 21100-21150 require the Board to follow certain procedures and hold hearings before and after drawing maps of the proposed district boundaries to allow for public input. One such procedure is found in Elections Code 10010, which requires hearings to solicit input regarding the composition of the district, the content of the draft map(s), and the proposed sequence of elections, if applicable. Each such hearing is required to be publicly noticed and begin at a fixed time if it is held as part of a Board meeting that also includes other substantive agenda items.

The following paragraph may be deleted by districts that have already adopted the "by-trustee" election method (Option 1 above).

If the district seeks to change its election method, the Board shall follow procedural requirements and hold public hearings in accordance with Elections Code 10010 and 21100-21150 before adopting a resolution at an open meeting specifying the change and obtaining approval from the county committee on school district organization with primary jurisdiction for the district in accordance with Education Code 5019.

CSBA NOTE: The Attorney General opined in 105 Ops.Cal.Atty.Gen. 182 (2022) that when the boundaries of a district's trustee areas are adjusted or the district changes from "at-large elections" to "by-trustee area elections," and a vacancy then arises in a seat held by a Board member whose term of office began prior to the change in boundaries or election method, the vacancy should be filled using the boundaries or election method by which the incumbent Board member was elected. Any district that has already adopted a "by-trustee" election method should revise the following paragraph accordingly.

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

Campaign Finance

CSBA NOTE: The Political Reform Act and its associated regulations establish campaign finance rules for school board elections. Additionally, Education Code 35177 authorizes boards, by resolution, to limit campaign expenditures and/or contributions for candidates in board elections. The following paragraph may be modified to reflect district practice.

Based on the First Amendment, however, courts have imposed constraints on limitations on campaign expenditures and/or contributions limits. It is strongly recommended that, before adopting any campaign expenditures and/or contribution limits, the Board consult CSBA's District and County Office of Education Legal Services or district legal counsel, in order to ensure that the district's limits satisfy legal restrictions.

All candidates, including current Board members running as incumbents, shall abide by local, county, state, and federal requirements regarding campaign contributions, funding, and expenditures.

CSBA NOTE: Government Code 85300 generally prohibits the expenditure of public funds for the purpose of seeking elective office. However, Government Code 85300 permits a candidate to expend or accept public funds for the purpose of seeking elective office if the Board establishes a dedicated fund for that purpose, provided that both (1) the public funds are available to all qualified, voluntarily participating candidates for the same office without regard to incumbency or political party preference and (2) the Board has established criteria for determining a candidate's qualifications. For school board elections, candidate qualifications are governed by state law as specified in "Board Member Qualifications," above.

A Board candidate shall not expend or 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)

CSBA NOTE: Pursuant to Elections Code 20440, county election officials are required to present each candidate running for public office with a voluntary Code of Fair Campaign Practices for the candidate to sign. However, neither the district nor candidates have authority to enforce the pledge if it is violated. The following paragraph

expresses the Board's desire that candidates for Board membership sign and abide by the terms of the pledge.

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 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 applicable 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

CSBA NOTE: Pursuant to Elections Code 13307, the candidate statement is limited to 200 words (Option 1 below), unless the Board chooses to authorize a 400-word maximum (Option 2 below).

OPTION 1: (200 Words Limit)

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)

OPTION 1 ENDS HERE

OPTION 2: (400 Words Limit)

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 400 words. (Elections Code 13307)

OPTION 2 ENDS HERE

CSBA NOTE: Pursuant to Elections Code 13307, a voter may receive by mail a voter's pamphlet that contains candidate statements or, when authorized by the elections official, may opt to obtain the voter's pamphlet and related materials electronically such as from the elections official's website or via email. When electronic distribution is authorized by the elections official, districts may choose, pursuant to Elections Code 13307, whether to permit Board candidates to prepare a statement for electronic distribution. If a candidate chooses to submit a statement for electronic distribution only, it will not appear in the mailed voter's pamphlet.

The following paragraph, which may be revised to reflect district practice, is for use by any district that authorizes electronic distribution of candidate statements in addition to or instead of the mailed voter's pamphlet.

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. (Elections Code 13307)

CSBA NOTE: Prior to the beginning of the nominating period, Elections Code 13307 requires the Board to determine whether to have the district assume the costs of producing candidate statements or to charge candidates for the costs, regardless of whether the statements are for hard copy or electronic distribution. In 85 Ops.Cal.Atty.Gen. 49 (2002), the Attorney General opined that Elections Code 13307, which authorizes the district to pay for distributing candidate statements for nonpartisan elective offices, does not conflict with Education Code 7054, which prohibits the use of district resources for campaign purposes.

Option 1 below is for districts that assume the costs associated with producing candidate statements, and Option 2 is for districts that charge candidates for the costs. The following options may be revised to reflect the method of distribution (i.e., electronic and/or hard copy) used by the district.

OPTION 1: (Candidate Statement Paid by District)

The district shall pay the cost of printing, handling, translating, mailing, and/or electronically distributing candidate statements filed pursuant to Elections Code 13307.

OPTION 1 ENDS HERE

OPTION 2: (Candidate Statement Paid by Candidate)

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 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.

OPTION 2 ENDS HERE

Tie Votes in Board Member Elections

CSBA NOTE: Education Code 5016 requires the Board to decide, before conducting any election, whether a potential tie will be resolved by lot or by a runoff election. Option 1 provides for the use of lots to determine the winner in case of a tie in every election and Option 2 provides for a runoff election in every election.

Education Code 5016 requires the County Superintendent of Schools to provide certification of a tie vote in an election to the district Board.

OPTION 1: (Tie Decided by Lot)

Whenever the County Superintendent of Schools with primary jurisdiction for the district certifies to the Board that there is a tie vote such that it is 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)

OPTION 1 ENDS HERE

OPTION 2: (Tie Decided by Runoff Election)

Whenever the County Superintendent of Schools with primary jurisdiction for the district certifies to the Board that there is a tie vote such that it is impossible to determine which of two or more candidates has been elected to the Board, the Board shall schedule a runoff election in accordance with law. (Education Code 5016)

OPTION 2 ENDS HERE
