

Bylaw 9220: Governing Board Elections

Status: DRAFT

Original Adopted Date: 07/25/2018 | **Last Reviewed Date:** 09/09/2026

Board Member Qualifications

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)

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.

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

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

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.

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

Consolidation of 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

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)

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)

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.

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)

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

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.

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

All candidates, including current Board members running as incumbents, shall abide by local, county, state, and

federal requirements regarding campaign contributions, funding, and expenditures.

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)

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

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)

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)

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.

Tie Votes in Board Member Elections

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)

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

CA Constitution Article 2, Section 2

Description

[Voters; qualifications](#)

State	Description
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
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 5090-5095	Vacancies
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; 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 11000-11386	Recall elections
Elec. Code 11382	Vacancy due to recall
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 15307	Timeline to count ballots and release ballot count
Elec. Code 15370-15377	Ballot security and reporting of results
Elec. Code 15400-15402	Announcement of election results
Elec. Code 18501	Election fraud
Elec. Code 20	Public office eligibility
Elec. Code 20440	Code of Fair Campaign Practices
Elec. Code 21100-21180	FAIR MAPS Act

State

Elec. Code 2166.9
Elec. Code 2201
Elec. Code 4000-4008
Gov. Code 1021
Gov. Code 1097
Gov. Code 1099
Gov. Code 12940
Gov. Code 1770
Gov. Code 81000-91014
Gov. Code 9055
Gov. Code 9412
Pen. Code 165
Pen. Code 2772
Pen. Code 2790
Pen. Code 424
Pen. Code 661
Pen. Code 67
Pen. Code 68
Pen. Code 74
Pen. Code 88
Pen. Code 98

Description

Candidate confidentiality
[Grounds for cancellation](#)
Elections conducted entirely by mail
[Conviction of crime](#)
[Illegal participation in public contract](#)
Incompatible offices
[Unlawful discriminatory employment practices](#)
[Vacancy of office](#)
[Political Reform Act](#)
[Committing crimes against legislative power](#)
[Refusing to appear](#)
[Bribes to members of city council](#)
[Interfering with the work of prisoners](#)
[Interrupting the work of prisoners](#)
[Embezzlement and falsification of accounts by public officers](#)
[Removal for neglect or violation of official duty](#)
[Giving bribes](#)
[Receiving bribes](#)
[Acceptance of gratuity](#)
[Crimes against legislative power](#)
[Crimes against public justice](#)

Federal

52 USC 10301-10508

Description

Voting Rights Act

Management Resources

Attorney General Opinion
Attorney General Opinion
Attorney General Opinion
Attorney General Opinion
Attorney General Opinion
Court Decision
Court Decision
Court Decision
Court Decision
CSBA Publication
Website
Website
Website

Description

109 Ops.Cal.Atty.Gen. 106 (2026)
[105 Ops.Cal.Atty.Gen. 182 \(2022\)](#)
[69 Ops.Cal.Atty.Gen. 290 \(1986\)](#)
[81 Ops.Cal.Atty.Gen. 98 \(1998\)](#)
[83 Ops.Cal.Atty.Gen. 181 \(2000\)](#)
[85 Ops.Cal.Atty.Gen. 49 \(2002\)](#)
[Dusch v. Davis \(1967\) 387 U.S. 112](#)
[Randall v. Sorrell \(2006\) 126 S.Ct. 2479](#)
[Rey v. Madera Unified School District \(2012\) 203 Cal. App. 4th 1223](#)
[Sanchez v. City of Modesto \(2006\) 145 Cal. App. 4th 660](#)
[Legal Alert on the Impact of Senate Bill No. 415 on School Board Elections, January 2017](#)
[CSBA District and County Office of Education Legal Services](#)
[Institute for Local Government](#)
[Fair Political Practices Commission](#)

Management Resources

Website

Website

Description

[California Secretary of State's Office](#)

[CSBA](#)

Cross References

0410

[Nondiscrimination In District Programs And Activities](#)

9005

[Governance Standards](#)

9110

[Terms Of Office](#)

9223

[Filling Vacancies](#)

9224

[Oath Or Affirmation](#)

9230

[Orientation](#)

9240

[Board Training](#)

9270

[Conflict Of Interest](#)

9270-E PDF(1)

[Conflict Of Interest](#)

9320

[Meetings And Notices](#)