

Board Bylaws

GOVERNING BOARD ELECTIONS

Any person is eligible to be a Governing 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 registered voter, and not legally disqualified from holding civil office. (Education Code 35107)

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)

(cf. 9224 - Oath of Affirmation)
(cf. 9270 - Conflict of Interest)

Whenever possible, the Board shall consolidate Board elections with the local municipal or statewide primary or general election. Board election procedures shall be conducted in accordance with state and federal law.

(cf. 9110 - Terms of Office)

Campaign Conduct

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.

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 9005 - Governance Standards)

Statement of Qualifications

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 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.

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.

(cf. 9223 - Filling Vacancies)

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)

Legal Reference:

EDUCATION CODE

1006 Qualifications for holding office, county board of education
 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
 7054 Use of district property
 35107 Eligibility; school district employees
 35177 Campaign expenditures or contributions
 35239 Compensation of governing board member of districts with less than 70 ADA

ELECTIONS CODE

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
 20440 Code of Fair Campaign Practices

GOVERNMENT CODE

1021 Conviction of crime
 1097 Illegal participation in public contract
 12940 Nondiscrimination, Fair Employment and Housing Act
 81000-91014 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

- Randall v. Sorrell, (2006) 126 S.Ct. 2479

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

- California Secretary of State's Office: <http://www.ss.ca.gov>
- Fair Political Practices Commission: <http://www.fppc.ca.gov>
- Institute for Local Self Government: <http://www.ca-ilg.org/>

Bylaw adopted: **February 14, 2012**

FRUITVALE SCHOOL DISTRICT, Bakersfield, CA