

Bylaws of the Board

Governing Board Elections

**Board Member Qualifications**

Any person is eligible to be a ~~Board~~ member **of the Board of Education**, without further qualifications, if **the person** ~~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. **(Education Code 35107)**

~~Any person is not eligible to be a member of the Board if they have who has~~ been convicted of **an offense(s) as specified in law**, 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 the person has been granted a pardon in accordance with law.~~ **(Education Code 35107; Elections Code 20)**

A District employee **duly** elected to the Board shall resign **from District employment, or shall otherwise cease being a District employee**, ~~his/her position~~ before being sworn in. **If a District employee duly elected to the Board is sworn in and remains a District employee, then the** ~~of shall have his/her~~ employment **shall** automatically terminated upon being sworn into office. (E.C. 35107)

**The Board encourages all candidates to become knowledgeable about the role of Board members. The Superintendent or designee shall provide a Board candidate, upon request by the candidate, 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. Additionally, the Superintendent or designee shall provide a Board candidate, upon request by the candidate, the county election official's contact information and general information about school programs, District operations, and Board responsibilities.**

**Electing Board Members**

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

**For each election, upon certification by the County Board of Supervisors, the Board shall declare who has been elected to the Board in accordance with law. (Election Code 15400)**

**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)**

Each Board member shall reside within the trustee area that **the Board member** he/she 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.**

To ensure ongoing compliance with the California and federal Voting Rights Acts, the Board may review the District's Board election method to determine whether any modification is necessary due to changes in the District's population or any of its racial, color, or language minority group composition. The review shall be based on the Superintendent or designee's report to the Board after the release of each decennial federal census.

If the Board determines that a change is necessary, it shall adopt a resolution at an open meeting specifying the change(s) and shall, in accordance with Education Code 5019 or other applicable provisions of law, obtain approval from the County Committee on School District Organization having jurisdiction over the District.

**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.**

#### **Recalling a Board Member**

**A Board member may be recalled as permitted by Elections Code 11000-11386. 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 county 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 county elections official, in consultation with the District.**

**Within 14 days after the regular meeting at which the Board receives a certificate of sufficiency of signatures on a recall petition from a county 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 5090-95 and Board Bylaw 9223 - Filling Vacancies.**

### **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)**

### **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.

**A Board member shall not expend, and a candidate shall not 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 125<sup>th</sup> 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 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

Candidates for the Board may submit a candidate statement to the election official for inclusion in the Voter's pamphlet. Candidate statements shall be limited to no more than 200 words. (Elections Code 13307)

The District shall ~~not~~ assume **no part any** of the cost of printing, handling, translating, ~~or~~ mailing, **or electronically distributing** candidate statements **filed** pursuant to Elections Code 13307. As a condition of having candidate statements included in the ~~hard copy and/or electronic~~ 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.

### **Tie Votes in Board Member Elections**

Whenever **the County Superintendent of Schools certifies to the Board that there is a tie vote such that it is** ~~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 **Prohibition against school district employees serving on** ~~Qualifications for holding office,~~ county board of education

5000-5033 Elections **of school district board members**

**5091 Vacancies; petition for special election**

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; campaign purposes

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

20 Public office eligibility  
1302 Local elections, school district election  
2201 Grounds for cancellation  
4000-40048 Elections conducted wholly by mail  
**10010 District boundaries**  
10400-10418 Consolidation of elections  
10509 Notice of election by secretary  
10600-10604 School district elections  
**11000 Recall of officers**  
13307 Candidate's statement  
**13308 Candidate's statement contents**  
13309 Candidate's statement, indigency  
14025-14032 California Voting Rights Act  
**14050-14057 California Voter Participation Rights Act**  
**15400 Announcement of election results**  
**18501 Election fraud**  
20440 Code of Fair Campaign Practices  
**21100-21180 FAIR MAPS Act**

GOVERNMENT CODE

1021 Conviction of crime  
1097 Illegal participation in public contract  
**1770 Vacancy of office**  
**9055 Committing crimes against legislative power**  
**9412 Refusing to appear**  
12940 Unlawful discriminatory employment practices  
81000-91014 Political Reform Act

PENAL CODE

**67 Giving bribes**  
68 Receiving Bribes  
74 Acceptance of gratuity  
**88 Crimes against legislative power**  
**98 Crimes against public justice**  
**165 Bribes to members of city council**  
424 Embezzlement and falsification of accounts by public officers  
661 Removal for neglect or violation of official duty  
**2772 Interfering with the work of prisoners**  
**2790 Interrupting the work of prisoners**  
**UNITED STATES CODE, TITLE 52**  
**10301-10508 Voting Rights Act**

ORANGE UNIFIED SCHOOL DISTRICT  
Orange, California

Adopted: (7-88 10-92 12-05 4-12 8-13 8-23) **8-24**