

**EL DORADO UNION HIGH SCHOOL DISTRICT
BYLAWS**

Bylaws of the Board

**GOVERNING BOARD ELECTIONS
BB 9220**

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*)

Note: Elections Code 1302 and 10404.5 authorize districts to request consolidation of their Board elections with the local municipal, state primary, or general elections.

When 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 Education 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 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 Education Code 13307

(cf. 9223 - Filling Vacancies)

Note: Pursuant to Elections Code 13307, the candidate's statement is limited to 200 words, unless the Board has authorized an increase to a 400-word maximum.

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

TIE VOTES IN BOARD MEMBER ELECTIONS

In the event of a tie vote in a Governing Board member election, the winner will be determined by lot. *(Education Code 5016)*

After an election for which the Board has decided to resolve a tie by lot, the Board shall immediately notify 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 this 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 (re returns, recounts, etc.)*
- 7054 Use of district property*
- 35107 Eligibility; school district employees*
- 35177 Campaign expenditures or contributions*
- 35239 Compensation of governing board members of districts with less than 70 ADA*

ELECTIONS CODE

- 1302 Local elections, school district election*
- 2201 Grounds for cancellations*
- 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) 126S.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 Resource:

WEB SITES

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