

Bylaws of the Board

BOARD OF ~~TRUSTEES~~ EDUCATION ELECTIONS

Any person is eligible to be a Board of ~~Trustees~~ Education 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 if the employee does not resign, shall have his/her employment automatically terminated upon being sworn into office. (Education Code 35107)

(cf. 9270 – Conflict of Interest)

~~When possible~~, Board election procedures shall be conducted in accordance with the California Education Code and Elections Code. (Education Code 5300)

(cf. 9110 – Terms of Office)

Statement of Qualifications

The District shall assume no part of the cost of printing, handling, translating, or mailing candidate statements pursuant to Elections Code 13307.

The Board secretary shall notify the County Clerk of this policy on or before the 125th day before each Board member election. (Elections Code 10509)

Candidate statements shall be limited to no more than 400 words. (Elections Code 13307)

Tie Votes in Board Member Elections

~~Before each election, the Board shall establish whether~~ A potential tie is to be resolved by lot ~~or with a runoff election~~. (Education Code 5016)

After an election ~~for which the Board has decided to resolve a tie by lot that results in a tie~~, the Board shall immediately notify the candidates who received the tie votes of the time and place where lots shall be cast to determine the winner. The candidates shall appear at the time and place designated by the Board either personally or by a representative. (Education Code 5016)

The Board will direct that the name of each of candidate is written on a separate piece of paper, as nearly uniform in size and material as possible, and placed in a receptacle so the names cannot be seen. In the presence of a majority of the Board at a public meeting, the Board's designee, who may be an employee of the District but may not be a Board member or candidate for the Board, will draw one of the names from the receptacle. The candidate whose name is drawn shall

be declared elected and the results shall be reported to the County Superintendent of Schools or other appropriate elections official.

~~After an election for which the Board has resolved a tie with a runoff election, the Board shall schedule the runoff election in accordance with law.~~

Legal Reference:

EDUCATION CODE

5000-5033 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

5440-5443 Miscellaneous provisions (re returns, recounts, etc.)

35107 Eligibility; school district employees

35177 Campaign expenditures or contributions

ELECTIONS CODE

1302 Local elections, school district election

~~*2201 Grounds for cancellation*~~

2220-2226 Residency confirmation procedures

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

GOVERNMENT CODE

1021 Conviction of crime

1097 Illegal participation in public contract

81000-91013 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*~~

~~*California Pro-Life Council Political Action Committee v. Jan Scully et. al. (1998) 989 F.Supp. 1282*~~

~~*83 Ops. Cal. Atty. Gen. 181 (2000)*~~

| *81 Ops. Cal. Atty. Gen. 98 (1998)*

Management Resources:

WEB SITES

Fair Political Practices Commission: <http://www.fppc.ca.gov>

| *CA Secretary of State's Office: <http://www.sos.ca.gov>*

Bylaw adopted:

Amended:

ACTON-AGUA DULCE UNIFIED SCHOOL DISTRICT

Acton, California