

**GOVERNING BOARD ELECTIONS**

**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 applicable, the trustee area, a registered voter, and not legally disqualified from holding civil office. Any person who has been convicted of 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 elected as 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 elected to the Board shall resign from district employment before being sworn in or shall have the employment automatically terminated upon being sworn into office. (Education Code 35107)

The Board encourages all candidates to become knowledgeable about the role of board members. The Superintendent or designee shall provide all candidates 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. The Superintendent or designee shall provide all candidates with the county election official's contact information and general information about school programs, district operations, and Board responsibilities.

**Recalling a Board Member**

A Board member may be recalled as permitted by Elections Code 11000. Proponents of a recall are required to serve, file, and publish or post a notice of intention to circulate the recall petition and to comply with other applicable law and formalities and county elections official directives. The petition, pursuant to Elections Code 11041, is required to be in the format provided by the Secretary of State and to include 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 meeting at which the Board receives a certificate of sufficiency of signatures on a recall petition from the 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.

Recall elections shall be conducted in accordance with Elections Code 11381-11386.

## **GOVERNING BOARD ELECTIONS (continued)**

### **Consolidation of Elections**

To reduce costs associated with conducting elections, the Board may consolidate Board elections with the local municipal or statewide primary or general election in accordance with Elections Code 1302.

In addition, 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. The district shall move its election to the next state statewide election date, unless the Board has adopted a plan by January 1, 2018 to consolidate Board elections not later than the November 8, 2022 statewide general election. (Elections Code 14051, 14052)

In order to consolidate elections based on either circumstance described above, 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**

#### **Election by trustee area**

The district is divided into trustee areas and each trustee area shall be represented by a Board member who resides in and is elected by voters residing within that trustee area. Trustee areas shall be balanced by population as required by state and federal law.

Prior to March 1 following the year in which the results of each decennial federal census are released, the Board shall adjust the boundaries of the district's trustee areas based on population figures as validated by the Population Research Unit of the Department of Finance. (Education Code 5019.5)

### **Board of Education Members and Areas Represented**

The Board of Education of the Visalia Unified School District is composed of seven (7) members representing the following areas:

- Area 1 One Board member
- Area 2 One Board member
- Area 3 One Board member
- Area 4 One Board member

**GOVERNING BOARD ELECTIONS** (continued)

- Area 5    One Board member
- Area 6    One Board member
- Area 7    One Board member

Board of Education members must reside in the area that they represent and voters from each of those areas vote for the seven (7) representatives from the above seven (7) areas.

Official boundaries of the District are those set forth in the full and correct transcript of the boundaries maintained in the Tulare County Superintendent of Schools Office and the Office of the County Clerk of Tulare County and available for review on the District's website.

**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.

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 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 elections 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 assume no part of the cost of printing, handling, translating, 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.

**GOVERNING BOARD ELECTIONS** (continued)**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)

## 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 board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

| <b>State</b>                         | <b>Description</b>   |
|--------------------------------------|--|
| CA Constitution Article 2, Section 2 | Voters; qualifications   |
| 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 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   |

**GOVERNING BOARD ELECTIONS** (continued)

|                        |  |
|------------------------|--|
| 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 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 20          | Public office eligibility                    |
| Elec. Code 20440       | Code of Fair Campaign Practices              |
| Elec. Code 2201        | Grounds for cancellation                     |
| Elec. Code 4000-4008   | Elections conducted wholly by mail           |
| Gov. Code 1021         | Conviction of crime                          |
| Gov. Code 1097         | Illegal participation in public contract     |
| Gov. Code 12940        | Unlawful discriminatory employment practices |

**GOVERNING BOARD ELECTIONS** (continued)

|                             |  |
|-----------------------------|--|
| Gov. Code 1770              | Vacancy of office  |
| Gov. Code 81000-91014       | Political Reform Act of 1974   |
| Pen. Code 424               | Embezzlement and falsification of accounts by public officers                            |
| Pen. Code 661               | Removal for neglect or violation of official duty  |
| Pen. Code 68                | Bribes   |
| Pen. Code 74                | Acceptance of gratuity   |
| <b>Federal</b>              | <b>Description</b>   |
| 52 USC 10301-10508          | Voting Rights Act  |
| <b>Management Resources</b> | <b>Description</b>   |
| Attorney General Opinion    | 105 Ops.Cal.Atty.Gen. 182 (2022)   |
| Attorney General Opinion    | 69 Ops.Cal.Atty.Gen. 290 (1986)  |
| Attorney General Opinion    | 81 Ops.Cal.Atty.Gen. 98 (1998)   |
| Attorney General Opinion    | 83 Ops.Cal.Atty.Gen. 181 (2000)  |
| Attorney General Opinion    | 85 Ops.Cal.Atty.Gen. 49 (2002)   |
| Court Decision              | Dusch v. Davis, (1967) 387 U.S. 112  |
| Court Decision              | Randall v. Sorrell, (2006) 126 S.Ct. 2479  |
| Court Decision              | Rey v. Madera Unified School District, (2012) 203 Cal. App. 4th 1223                     |
| Court Decision              | Sanchez v. City of Modesto, (2006) 145 Cal. App. 4th 660                                 |
| CSBA Publication            | Legal Alert on the Impact of Senate Bill No. 415 on School Board Elections, January 2017 |
| Website                     | CSBA District and County Office of Education Legal Services                              |
| Website                     | Institute for Local Government   |

**GOVERNING BOARD ELECTIONS** (continued)

|         |  |
|---------|--|
| Website | Fair Political Practices Commission    |
| Website | California Secretary of State's Office |
| Website | CSBA                                   |

**Cross References**

| <b>Code</b> | <b>Description</b>                                    |
|-------------|---|
| 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(1)   | Conflict Of Interest                                  |
| 9320        | Meetings And Notices                                  |

Bylaw  
 adopted: April 14, 1997  
 revised: May 12, 1998  
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**VISALIA UNIFIED SCHOOL DISTRICT**  
 Visalia, California