

LODI UNIFIED SCHOOL DISTRICT

NEW **Bylaws of the Board**

Bylaw 9220

Governing Board Elections

Board Member Qualifications

Any person is eligible to be a member of the Lodi Unified School District Board of Education, without further qualifications, if the person is 18 years of age or older, a citizen of California, a resident of 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.

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.

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.

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.

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.

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 Process and Procedures

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.

To ensure ongoing compliance with the California 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.

When the district's election method is to be changed, the Board shall hold public hearings in accordance with Elections Code 10100 before adopting a resolution at an open meeting specifying the change(s), and shall, in accordance with Education Code 5019, 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, even if, during the term, the district has adopted "by-trustee area" election method or trustee area boundaries have been adjusted.

Any petition for a special election ordered pursuant to Education Code 5091 shall contain the county election official's estimate of the cost of conducting the special election, expressed on a per-student basis.

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.

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:

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.

When the elections official allows for the electronic distribution of candidate statements, a candidate for the Board may, in addition to or instead of submitting a candidate statement for inclusion in the mailed voter's pamphlet, prepare and submit a candidate statement for electronic distribution.

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.

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.

Legal Reference: CALIFORNIA CONSTITUTION
Article 2, Section w Voters; qualifications -
Article 7, Sectin 7 Conflicting offices -
Article 7, Section 8 Disqualification from office -
EDUCATION CODE
1006 Prohibition against school district employees
serving on county board of education -

35107 School district employees -
35177 Campaign expenditures or contributions -
35239 Compensation of governing board member of
districts with less than 70 ADA
5000-5033 Election 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; election officer -
5390 Qualifications of voters -
5420-5426 Cost of elections -
5440-5442 Miscellaneous provisions -
7054 Use of district property; campaign purposes -
ELECTION CODE
10010 District boundaries -
10400-10418 Consolidation of elections -
10509 Notice of election by secretary -
10600-10604 School district elections -
11000 Recall of officers -
1302 Local elections; school district election
13307 Candidate's statement
13308 Candidate's statement contents -
13309 Candidate's statement indigence -
14025-14032 California Voting Rights Act -
14050-14057 California Voter Participation Rights Act
20 Public office eligibility
20440 Code of Fair Campaign Practices
2201 Grounds for cancellation
4000-4008 Elections conducted wholly by mail
GOVERNMENT CODE
1021 Conviction of crime
1097 Illegal participation in public contract
12940 Unlawful discriminatory employment practices
1770 Vacancy of office
81000-91014 Political Reform Act of 1974
PENAL CODE
424 Embezzlement and falsification of accounts by public
Officials
661 Removal for neglect or violation of official duty
68 Bribes
74 Acceptance of gratuity

FEDERAL REFERENCES

52 USC 10301-10508 Voting Rights Act

MANAGEMENT RESOURCES

ATTORNEY GENERAL OPINION

105 Ops.Cal.Atty.Gen 182 (2022)

69 Ops.Cal.Atty.Gen. 290 (1986)

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

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

85 Ops.Cal.Atty.Gen. 49 (2002)

COURT DECISIONS

Dusch v. Davis (1967) 387 U.S. 112

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

Rey v. Madera Unified School District, (2012)

203 Cal.App. 4th 1223

Sanchez v. City of Modesto, (2006) 145 Cal. App. 4th 660

WEB SITES:

CSBA: <http://www.csba.org>