

# Santa Barbara Unified School District

## Board Bylaw

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BB 9220

#### GOVERNING BOARD ELECTIONS

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)*

Whenever 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 Elections Code 20440.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*

*(cf. 9005 - Governance Standards)*

#### Statement of Qualifications

The district shall pay the Santa Barbara County Elections Division so that no candidate requesting a candidate's statement in the voter's guide will have to pay a cost for the ballot statement exceeding one-quarter of a page in the guide.

On the 125<sup>th</sup> day prior to the day fixed for the 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. Notification of the district policy that the district will pay the Elections Division so that no candidate requesting a candidate's statement in the voter's guide will have to pay a cost for the ballot statement exceeding one-quarter of a page in the guide.

*(cf. 9223 - Filling Vacancies)*

#### 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)

*Legal Reference:*

EDUCATION CODE

1006	<i>Qualifications for holding office, county board of education</i>
5000-5033	<i>Elections</i>
5220-5231	<i>Elections</i>
5300-5304	<i>General provisions (conduct of elections)</i>
5320-5329	<i>Order and call of elections</i>
5340-5345	<i>Consolidation of elections</i>
5360-5363	<i>Election notice</i>
5380	<i>Compensation (of election officer)</i>
5390	<i>Qualifications of voters</i>
5420-5426	<i>Cost of elections</i>
5440-5442	<i>Miscellaneous provisions</i>
7054	<i>Use of district property</i>
35107	<i>Eligibility; school district employees</i>
35177	<i>Campaign expenditures or contributions</i>
35239	<i>Compensation of governing board member of districts with less than 70 ADA</i>

ELECTIONS CODE

1302	<i>Local elections, school district election</i>
2201	<i>Grounds for cancellation</i>
4000-4004	<i>Elections conducted wholly by mail</i>
10400-10418	<i>Consolidation of elections</i>
10509	<i>Notice of election by secretary</i>
10600-10604	<i>School district elections</i>
13307	<i>Candidate's statement</i>
13309	<i>Candidate's statement, indigency</i>
20440	<i>Code of Fair Campaign Practices</i>

GOVERNMENT CODE

1021	<i>Conviction of crime</i>
1097	<i>Illegal participation in public contract</i>
12940	<i>Nondiscrimination, Fair Employment and Housing Act</i>
81000-91014	<i>Political Reform Act</i>

PENAL CODE

68	<i>Bribes</i>
74	<i>Acceptance of gratuity</i>
424	<i>Embezzlement and falsification of accounts by public officers</i>
661	<i>Removal for neglect or violation of official duty</i>

CALIFORNIA CONSTITUTION

Article 2, Section 2	<i>Voters, qualifications</i>
Article 7, Section 7	<i>Conflicting offices</i>
Article 7, Section 8	<i>Disqualification from office</i>

COURT DECISIONS

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

ATTORNEY GENERAL OPINIONS

85	<i>Ops.Cal.Atty.Gen. 49 (2002)</i>
83	<i>Ops.Cal.Atty.Gen. 181 (2000)</i>
81	<i>Ops.Cal.Atty.Gen. 98 (1998)</i>
69	<i>Ops.Cal.Atty.Gen. 290 (1986)</i>

*Management Resources:*

WEB SITES

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

SANTA BARBARA UNIFIED SCHOOL DISTRICT  
Santa Barbara, CA      May 23, 2006; July 13, 2010