

Proposed edits
Added language

**Gravenstein Union School District
Bylaws of the Board**

B 9220(a)

GOVERNING BOARD ELECTIONS

Note: Education Code 35107 details eligibility for Governing Board membership as specified below. In 81 Ops. Cal. Atty. Gen. 98 (1998), the Attorney General opined that the election residence requirement in Education Code 35107 is a continuing qualification for holding the office during the entire term of the Board member.

Pursuant to Government Code 1021, a person is disqualified from holding office upon conviction of designated crimes as specified in the Constitution and state law. These crimes include asking for or receiving bribes, Embezzlement, forgery and perjury. In addition, a person is ineligible from holding public office if he/she is not registered to vote. Elections Code 2201 lists causes upon which an individual's voter registration shall be cancelled including legally established mental incompetence, proof that the person is presently imprisoned or on parole for conviction of a felony, or official notification that the voter is registered in another country or state.

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. 9270 - Conflict of Interest)

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.

(cf. 9230 - Orientation)
(cf. 9240 - Board Training)

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, Board election procedures shall be conducted in accordance with the California Education Code and Elections Code.
(cf. 9110 - Terms of Office)

Statement of Qualifications

~~Note: Prior to the beginning of the nominating period, the Board should determine whether to charge candidates for the costs of producing candidate statements of qualifications pursuant to Elections Code 13307.~~

On the 125th 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. Whether the district or the candidate is to pay for the publication of a statement of qualifications pursuant to Elections Code 13307*

(cf. 9223 - Filling Vacancies)

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)

In order to help defray the costs of campaigning for the Board, the district shall pay the cost of printing, handling, translating, mailing, and/or electronically distributing candidate statements filed pursuant to Elections Code 13307.

~~The district shall assume no part of the cost of printing, handling, translating or mailing candidate statements filed pursuant to Elections Code 13307. Candidates may be required to pay their pro rata share of these costs to the district in advance as specified in Elections Code 13307.~~

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 Board secretary shall notify the county clerk of this policy on or before the 125th day before each Board member election. (Elections Code 10509)~~

~~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)~~

Elections Process and Procedures

Board members may reside anywhere within the district's boundaries and shall be elected by all voters in the district.

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.

If the Board determines that a change is necessary, it 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.

(cf. 9320 - Meetings and Notices)

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. However, the district may establish a dedicated fund for those seeking election to the Board, provided that the funds are available to all candidates who are qualified pursuant to Education Code 35107 without regard to incumbency or political preference. (Government Code 85300)

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)

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 lots shall be cast to determine the winner. (Education Code 5016)

~~GOVERNING BOARD ELECTIONS (continuing)~~ ~~BB 9220(b)~~

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

5440-5442 Miscellaneous provisions (re returns, recounts, etc.)

35107 Eligibility; school district employees

351 77 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- 1 0604 School district elections

13307 Candidate's statement

13309 Candidate's statement, indigency

GOVERNMENT CODE

1021 Conviction of crime

1 0971 Illegal participation in public contract

81 000-91 013 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 Prolife Council Political Action Committee v. Jan Scully et al., (1998) 989 F.Supp.1282

ATTORNEY GENERAL OPINIONS

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.ss.ca.gov>

Adopted: 3-11-04

**GRAVENSTEIN UNION SCHOOL DISTRICT
Sebastopol, California**

RESOLUTION NO.: 200709

DATED: July 9, 2020

RESOLUTION OF THE BOARD OF DIRECTORS OF THE
GRAVENSTEIN UNION SCHOOL DISTRICT, COUNTY OF SONOMA
STATE OF CALIFORNIA, ORDERING AN ELECTION TO
BE HELD AND REQUESTING CONSOLIDATION
WITH THE NOVEMBER 3, 2020,
CONSOLIDATED DISTRICT ELECTION

WHEREAS, an election will be held on NOVEMBER 3, 2020, in the GRAVENSTEIN UNION SCHOOL DISTRICT for the purpose of electing District Directors to fill positions that will expire in 2020;

BE IT RESOLVED THAT, the District Directors of said district hereby request consolidation with any election that may be held on the same day, in the same territory or in territory that is in part the same.

THE FOREGOING RESOLUTION was introduced by Director _____,
who moved its adoption, seconded by Director _____ and then adopted on
roll call by the following vote:

Director _____ Aye _____ No _____ Abstain _____
Director _____ Aye _____ No _____ Abstain _____
Director _____ Aye _____ No _____ Abstain _____
Director _____ Aye _____ No _____ Abstain _____
Director _____ Aye _____ No _____ Abstain _____

AYES _____ NOES _____ ABSTAIN _____ ABSENT _____

WHEREUPON, the Chairperson declared the foregoing resolution adopted and SO ORDERED

District Administrator/Secretary

MEMORANDUM

TO: DEVA MARIE PROTO, COUNTY CLERK & REGISTRAR OF VOTERS
FROM: GRAVENSTEIN UNION SCHOOL DISTRICT
SUBJECT: NOTICE OF OFFICES TO BE FILLED AND STATEMENT OF RESPONSIBILITY FOR STATEMENTS OF QUALIFICATIONS

Notice is hereby given that, pursuant to Elections Code Section 10509 (which requires notification prior to the 125th day before the election, *July 1, 2020), the following are the elected office holders of this district whose terms will expire in 2020, and whose successors will be required to be elected at the upcoming election to be held on NOVEMBER 3, 2020.

DIRECTOR	LENGTH OF NEXT TERM (Commencing 12/11/2020)
1. <u>STEVEN SCHWARTZ</u>	4 YEARS
2. <u>ALEXANDER KAHN</u>	4 YEARS
3. <u>PATRICK LEI</u>	4 YEARS

(MARK APPROPRIATE OPTIONS BELOW)

The length of the Statements of Qualifications shall not exceed 200 words.

1. The costs incurred in the printing of the optional Statements of Qualifications (English & Spanish, if requested by the candidate) in the Voter Information Pamphlet is the responsibility of the (select one):

- District
- Candidate

a. If the candidate is responsible for costs of the Statement of Qualifications, the district opts to (select one):

- Require payment in advance to the District Secretary.
- Bill the candidate after the date of the election.

Note: It is the responsibility of the District to collect the costs of Statements of Qualifications from the candidates whether payment in advance or payment after the fact is required. **If advance payment is required, candidates must present a receipt from the district at the time the Statement of Qualifications is filed with the Registrar of Voters Office. Multi-county districts please be advised that the estimated cost reflects only the Sonoma County portion of the cost.**

I HEREBY CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND SUBMIT THIS STATEMENT IN COMPLIANCE WITH ELECTIONS CODE SECTIONS 10509 AND 13307.

SEAL

SIGNED: _____ DATE: _____

MEMORANDUM

TO: DEVA MARIE PROTO, COUNTY CLERK & REGISTRAR OF VOTERS
FROM: GRAVENSTEIN UNION SCHOOL DISTRICT
SUBJECT: NOTICE OF DISTRICT BOUNDARIES/STATEMENT IN LIEU OF MAP
DATE: JULY 9, 2020

Pursuant to Elections Code Section 10522 (which requires notification prior to the 125th day before the election (July 1, 2020) regarding district boundaries in the above named district), we are hereby notifying the Registrar of Voters Office that:

- [] As of this date, there has been no change in the boundaries of this district since the date of the last election. A map of the district is already on file with your office; therefore this notice is in lieu of providing a duplicate map.
- [] A map of the above district, with all annexations and detachments shown thereon, is attached to this notification and incorporated for reference herein.
- [] There have been changes in the boundaries of this district since the date of the last election. A verified map of the above district containing all recent annexations and details shown thereon, is already on file with your office.

Submitted by _____
District Administrator/Secretary

SEAL