

BOARD OF EDUCATION ELECTIONS

A person is eligible to be a member of the Humboldt County Board of Education if he/she is 18 years of age or older, a citizen of the state, a resident and a registered voter in the Trustee Area in which there is a vacancy 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 be a Board member except when he/she has been granted a pardon in accordance with law.

The County Superintendent of Schools, any member of his or her staff, or any employee of a school district may not be a member of the County Board of Education. If elected or appointed to the Board, an otherwise eligible person holding any of these positions shall resign his/her position before being sworn in or shall have his/her employment automatically terminated upon being sworn into office.

Board election procedures shall be conducted in accordance with the California Education Code and Elections Code.

Electing Board Members

The county is divided into five 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.

Statement of Qualifications

The Office of Education shall assume no part of the cost of printing, handling, translating or mailing candidate statements filed 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.

Candidate statements shall be limited to no more than 400 words.

Tie Votes in Board Member Elections

The Board shall resolve an election tie by lot. The method to be used shall be a coin toss. The coin shall be tossed by the County Superintendent.

After an election for which the Board must resolve a tie, the Board shall immediately notify the candidates who received the tie votes of the time and place where the coin toss will be made to determine the winner.

Legal Reference:

EDUCATION CODE

1000-1017 County board of education election, jurisdiction, organization

5000 Biennial election

5016 Selection in tie vote

5017 Term

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.)

CALIFORNIA CONSTITUTION

Article 2, Section 2 Voters, qualifications

Article 7, Section 7 Conflicting offices

Article 7, Section 8 Disqualification from office

ELECTIONS CODE

1302 Local elections, school district election

2201 Grounds for cancellation

2220-2226 Residency confirmation procedures

10400-10418 Consolidation of elections especially:

10403.5 Municipal election consolidated with statewide election or school district election

10509 Notice of election by secretary

10600-10604 School district elections

13307 Candidate's statement

13309 Candidate's statement, indigency

14025-14032 California Voting Rights Act

20440 Code of Fair Campaign Practices

GOVERNMENT CODE

1021 Conviction of crime

1097 Illegal participation in public contract

12940 Nondiscrimination, Fair Employment and Housing Act

81000-91014 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

UNITED STATES CODE, TITLE 42

1973-1972aa-6 Voting Rights Act

COURT DECISIONS

Rey v. Madera Unified School District, (2012) 138 Cal.Rptr. 3d 192

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

Sanchez v. City of Modesto, (2006) 51 Cal.Rptr.3d. 821

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

ATTORNEY GENERAL OPINIONS

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

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

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

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