
CLOVIS UNIFIED SCHOOL DISTRICT

BOARD BYLAWS BOARD ELECTIONS

PURPOSE: To describe the process and requirements for elections of Board members.

A. Board Member Qualifications

Any person is eligible to be a member of the Board, without further qualifications, if he/she is 18 years of age or older, a citizen of California, a resident of the District, 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 he/she has been granted a pardon in accordance with law. (Education Code 35107; Elections Code 20)

A District employee elected to the Board shall resign his/her employment before being sworn in or shall have his/her employment automatically terminated upon being sworn into office. (Education Code 35107)

B. Elections Process and Procedures

Pursuant to the approval of the Board on October 18, 2023 and the Fresno County Committee on School District Organization on November 1, 2023 and under applicable law, including Education Code sections 5019 and 5030 and Elections Code section 10010, the system for election of members to the Board shall be by trustee area as set forth in Education Code section 5030, subdivision (b), commencing with the election in 2024 for Trustee Areas No. 2, 4, 5 and 7 and the election in 2026 for Trustee Areas No. 1, 3, and 6. This sequence of elections shall apply to subsequent elections of the members to the Board. Pursuant to said approval, the District is divided into seven 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. Members of the Board shall be elected in a manner specified by law.

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) Unless prohibited by applicable law, each adjusted trustee area shall have, within its boundary, schools from at least two high school areas, recognizing that a particular school's attendance boundary may be partially in one trustee area and partially in another trustee area. A two-thirds vote of all of the members of the Board shall be required to approve an adjustment to any trustee area that has schools from only one high school area.

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C. 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.

D. Statement of Qualifications

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 section 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)

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 section 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 section 13307.

E. 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)

Adopted: 09/23/2020
Amended: 12/08/2023

**CLOVIS UNIFIED
SCHOOL DISTRICT****EDUCATION CODE**

- 1006 Qualifications for holding office, county board of education
- 5000-5033 Elections
- 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 (of election officer)
- 5390 Qualifications of voters
- 5420-5426 Cost of elections
- 5440-5442 Miscellaneous provisions
- 7054 Use of district property
- 35107 Eligibility; school district employees
- 35177 Campaign expenditures or contributions
- 35239 Compensation of governing board member of districts with less than 70 ADA

ELECTIONS CODE

- 20 Public office eligibility
- 1302 Local elections, school district election
- 2201 Grounds for cancellation
- 4000-4008 Elections conducted wholly by mail
- 10010 District boundaries
- 10400-10418 Consolidation of elections
- 10509 Notice of election by secretary
- 10600-10604 School district elections
- 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
- 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

CLOVIS UNIFIED SCHOOL DISTRICT

CALIFORNIA CONSTITUTION

Article 2, Section 2 Voters, qualifications

Article 7, Section 7 Conflicting offices

Article 7, Section 8 Disqualification from office

UNITED STATES CODE, TITLE 52

10301-10508 Voting Rights Act

COURT DECISIONS

Rey v. Madera Unified School District (2012) 203 Cal. App. 4th 1223

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

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

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)

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