

COUNTY BOARD ELECTIONS

Any registered voter of Monterey County is eligible to be a member of the Monterey County Board of Education (County Board) except the Monterey County Superintendent of Schools, any member of his/her staff, any employee of a school district that is within the jurisdiction of the County Board, or anyone who is legally disqualified from holding public office. [Education Code (E.C.) 1006]

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 County Board member except when he or she has been granted a pardon in accordance with law. [Elections Code 20, 321]

The County Board shall consist of seven (7) members, each from a different Trustee Area, whose terms shall be staggered so that, as nearly as possible, one half of the members shall be elected at each regular County Board election. Each member of the County Board shall be an elector of the Trustee Area in which he/she resides and shall be elected by the electors of the Trustee Area in the manner prescribed by the Education and Election Codes. The term of office for members elected in regular elections is four (4) years, beginning on the last Friday in November following their election. [E.C. 1007; 5017]

Elections shall be held biennially on the first Tuesday after the first Monday in November of each succeeding even numbered years to fill the offices of members whose terms expire on the last Friday of November of the election year. A member whose term has expired shall continue to discharge the duties of the office until his/her successor has qualified by taking the oath of office. [Government Code 1302; 1360]

In order to help protect the public's trust in the electoral process as well as the public's confidence in the County Board and Monterey County Office of Education (MCOE), the County Board encourages all candidates to sign and adhere to the principles in the Code of Fair Campaign Practices pursuant to Elections Code 20440. This pledge states that a candidate may not use or permit negative prejudice based on a candidate's race, religion, physical or mental disability, sex, gender, sexual orientation, or any other prohibited category of discrimination listed in Government Code 12940.

(cf. 0410 - Nondiscrimination in Programs and Activities)
(cf. 9005 - Governance Standards)

MCOE shall not pay the cost of printing, handling, translating, or mailing of candidate statements filed pursuant to Elections Code 13307. As a condition of having candidate statements included in the voter's pamphlet, candidates are required to pay the printing cost to the Elections Department in advance pursuant to Elections Code 13307. Candidate statements shall be limited to no more than 200 words. [Elections Code 13307] The paid amount will be reimbursed in the event the election is uncontested.

No mailing of candidates' materials will be authorized by the County Board pursuant to Section 10012, Election Code. This determination should not be interpreted to discourage any candidate from making any political mailings the candidate sees fit to make.

On the 125th day prior to the day fixed for the general election, the County Board Secretary or designee shall deliver a notice, bearing the Secretary's signature and the MCOE seal, to the county elections official describing both of the following: [Elections Code 10509]

1. The elective offices of the County Board to be filled at the general election and which offices, if any, are for the balance of an unexpired term
2. Whether MCOE or the candidate is to pay for the publication of a statement of qualifications pursuant to Elections Code 13307

(cf. 9223 - Filling Vacancies)

It shall be the County Board's policy that a potential tie vote is to be resolved by lot. Whenever a tie makes it impossible to determine which of two or more candidates has been elected to the County Board, the County 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 County Board. The County Board at that time shall determine the winner by lot. [E.C. 5016]

Settlement of a Tie Vote

Should the election of a Board member result in a tie vote between two or more members seeking the same office, the winner shall be decided in the following manner:

1. The Board president shall officially announce such result as part of Board business.
2. Board president shall order that five suitable objects be numbered one to five with no two having the same number.
3. The numbered objects shall be placed in a suitable bag with no numbered object revealed.
4. In an officially scheduled Board meeting each of the tied candidates shall draw one of the objects.
5. The candidate drawing the object with the highest number shall be declared the winner of the election by official action of the Board.

An MCOE employee elected to the County Board shall resign his/her position before being sworn in or shall have his/her employment automatically terminated upon being sworn into office. [E.C. 35107]

(cf. 9224 - Oath or Affirmation)
(cf. 9270 - Conflict of Interest)

Legal Reference:

EDUCATION CODE

- 1000 *Composition, and trustee area, county board of education*
- 1002 *Trustee area boundaries and member changes*
- 1006 *Qualifications for holding office, county board of education*
- 1007 *Term of office*
- 1008 *Procedure for filling vacancies*
- 5000-5033 *Elections, especially*
- 5016 *Selection in case of tie vote*
- 5220-5231 *Elections*
- 5300-5304 *General provisions (conduct of elections)*
- 5320-5329 *Order and call of elections, especially*
- 5326 *Application for County Board membership, and*
- 5328 *Appointment of board member*
- 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*

ELECTIONS CODE

- 20 *Public office eligibility*
- 321 *Elector*
- 1302 *Local elections, school district election*
- 2201 *Grounds for cancellation*
- 4000-4004 *Elections conducted wholly by mail*
- 10012 *No mailing of candidate's statement by agency*

- 10400-10418 *Consolidation of elections*
- 10509 *Notice of election by secretary*
- 10600-10604 *School district elections*
- 13307 *Candidate's statement*
- 13309 *Candidate's statement*
- 14025-14032 *California Voting Rights Act*
- 14052 *Change in election years*
- 20440 *Code of Fair Campaign Practices*

GOVERNMENT CODE

- 1021 *Conviction of crime*
- 1097 *Illegal participation in public contract*
- 1302 *Continuation in office until qualification of successor*
- 1303 *Exercising functions of office without having qualified*

1306 *Necessity of taking constitutional oath*
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*

CALIFORNIA CONSTITUTION

Article 2, Section 2, Voters qualifications
Article 7, Section 7, Conflicting offices
Article 7, Section 8, Disqualification from office

COURT DECISIONS

Shelby County v. Holder, (2013) 133 S.Ct. 2612
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)

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