
FRESNO COUNTY BOARD OF EDUCATION

Board Bylaws
COUNTY BOARD ELECTIONS

The County Board shall consist of five members 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. (Education Code 1000, 1007.)

Election procedures shall be followed in accordance with state and federal law.

The election of County Board members shall be conducted on the date and in the manner prescribed for election of school district governing board members. (Education Code 1007.)

County Board Member Qualifications

Other than the County Superintendent, a member of the County Superintendent's staff, or an employee of a school district that is within the jurisdiction of the County Board, any registered voter is eligible to be a member of the County Board if that person is an elector of the trustee area to be represented and is not legally disqualified from holding civil office. (Education Code 1000, 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 to be elected as a County Board member unless granted a pardon in accordance with law. (Elections Code 20, 321.)

Recalling a County Board Member

A County Board member may be recalled as permitted by Elections Code 11000-11386. To commence a recall of a County Board member, proponents shall serve, file, and publish or post a notice of intention to circulate the recall petition as specified by law and any applicable county elections official directives. Additionally, the recall petition shall be in the format provided by the Secretary of State.

Within 14 days after the County Board meeting at which a certificate of sufficiency of signatures on a recall petition is received from the county elections official, the County Board shall order an election to be held to determine whether the County Board member named in the petition shall be recalled. The election shall be held not less than 88, nor more than 125, days after the date that the County Board orders the election. However, the election may be conducted within 180 days after the issuance of the County Board's order to consolidate the election with a regularly scheduled election. (Elections Code 11240-11242)

A recall election of a County Board member shall be conducted in accordance with Elections Code 11381-11386.

If a recall of a County Board member is successful, that County Board member's seat becomes vacant and shall be filled in accordance with Education Code 5090-95 and Board Bylaw 9223 - Filling Vacancies. (Education Code 1008)

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Election Date

The election of County Board members shall be consolidated with the local municipal or statewide primary or general election in accordance with a County Board resolution approved by the County Board of Supervisors. (Elections Code 1302, 10404.5)

Term of Office

For each election, upon receipt of the certified statement of the results of the election from the applicable county elections official(s), the County Board shall declare who has been elected to the County Board by having the highest number of votes for that office from all applicable counties combined. The County Board shall ensure delivery of its declaration of election to the county elections official with primary jurisdiction for the County Board, who shall then issue and deliver a certificate of election to each person elected. (Elections Code 15372, 15400-15401)

The term of office for members elected in regular elections shall be four years, commencing on the second Friday in December following their election. (Education Code 1007, 5017.)

A member whose term has expired shall continue to discharge the duties of the office until a successor has qualified by taking the oath of office. (Government Code 1302, 1360.)

Campaign Conduct

All candidates, including current County Board members running as incumbents, shall abide by local, state, and federal requirements regarding campaign donations, funding, and expenditures.

In order to help protect the public's trust in the electoral process as well as the public's confidence in the County Board, 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.

Statement of Qualifications

The County Board shall assume no part of the cost of printing, handling, translating, mailing, or electronically distributing candidate statements filed pursuant to Elections Code 13307. As a condition of having candidate statements included in the voter's pamphlet, the County Board may require candidates to pay their estimated pro rata share of these costs to the County Board in advance pursuant to Elections Code 13307.

On or before the 125th day prior to the day fixed for the general election, the County Superintendent, as ex officio secretary and executive officer to the County Board, or the County Superintendent's designee shall deliver a notice to the county elections official describing both of the following:

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 the County Board or the candidate is to pay for the publication of a statement of qualifications pursuant to Elections Code 13307.

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Candidate statements shall be limited to no more than 200 words. (Elections Code 13307.)

Tie Votes in County Board Member Elections

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. At that time, the County Board shall determine the winner by lot. (Education Code 5016.)

Adopted: 04/20/1995

Amended: 11/15/2018, 09/21/2023, 11/21/2024

Legal Reference**Education Code**

1000 Composition, and trustee area, county board of education
1002 Trustee area boundaries and membership changes
1006 Qualifications for holding office, county board of education
1007 Election (county boards)
1017 Expiration of terms
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

Elections Code

20 Public office eligibility
321 Elector
1302 Local elections
2201 Grounds for cancellation
4000-4008 Elections conducted wholly by mail
10400-10418 Consolidation of elections
10509 Notice of election by secretary
10600-10604 School district elections
11000 Recall of officers
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
15400 Announcement of election results

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20440 Code of Fair Campaign Practices
21100-21180 FAIR MAPS Act

Government Code

1021 Conviction of crime
1302 Continuance in office until qualification of successor
1303 Exercising functions of office without having qualified
1360 Necessity of taking constitutional oath
12940 Nondiscrimination, Fair Employment and Housing Act
81000-91014 Political Reform Act

Penal Code

67-68 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

United States Code, Title 52

10301-10508 Voting Rights Act

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

105 Ops.Cal.Atty.Gen. 182 (2022)
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)

Management Resources

Web Sites

Fair Political Practices Commission: <https://www.fppc.ca.gov/>
Institute for Local Self Government: <https://www.ca-ilg.org/>