

ORDER OF ELECTION

SAN LUIS OBISPO COUNTY OFFICE OF EDUCATION
SAN LUIS OBISPO, CALIFORNIA

RESOLUTION NO. 20-13 ORDERING COUNTY BOARD MEMBER ELECTION

WHEREAS, the regular biennial election of governing board members is ordered by law pursuant to Section 5000 of the Education Code to fill offices of members of the San Luis Obispo County Board of Education, now be it

RESOLVED that the County Superintendent of Schools for this county calls the election **ORDERED** and in accordance with the designations contained in the following specifications of the Election Order made under the authority of Education Code Sections 5304 and 5322.

SPECIFICATIONS OF THE ELECTION ORDER

The election shall be held on Tuesday, November 3, 2020

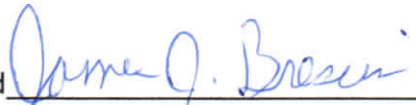
The purpose of the election is to elect Two (2) members of the San Luis Obispo County Board of Education

IT IS FURTHER ORDERED that the Clerk or Secretary shall deliver not less than 123 days prior to the date set for the election, two certified copies of this Resolution and the Order to the County Superintendent of Schools.

The forgoing Resolution and Order was adopted by a formal vote of the Governing Board of the San Luis Obispo County Board of Education of San Luis Obispo County, being the Board authorized by law to make the designations therein contained on May 7, 2020, by the following vote:

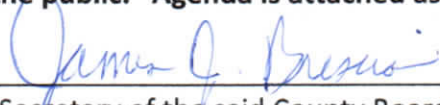
AYES: 5
NOES: 0
ABSENT: 0

State of California
County of San Luis Obispo

Signed 
Secretary of the said County Board
James J. Brescia

CERTIFICATION

I hereby certify that the foregoing is a full, true and correct transcript of a resolution duly adopted and affirmed by a formal vote of the members of the Governing Board of the County Board named therein at a duly constituted regular meeting of the said board which was **open to the public, held at its usual meeting place on May 7, 2020 as it appears upon the minutes of the said meeting and the journal of the proceedings of the said Governing Board. ** That a list of items constituting the agenda for the said meeting was posted at a place where parents and teachers might view it; ****Due to the COVID-19 pandemic and Governor Newsom's Executive Order No. 20-25, this board meeting was held via videoconference and it was made accessible telephonically or otherwise electronically to members of the public. Agenda is attached as Exhibit A.**

Signed 
Secretary of the said County Board

County Board Bylaws**GOVERNING BOARD ELECTIONS**

The County Board of Education shall consist of five members whose terms shall be staggered so that, as nearly as practicable, one half of the members shall be elected at each regular County Board election. (Education Code 1000, 1007).

To reduce costs associated with conducting elections, the County Board election may be consolidated with the local municipal or statewide primary or general election upon adoption of a resolution by the County Board and approval of the County Board of Supervisors. (Elections Code 1302, 10404.5)

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

Eligibility

Any person other than the County Superintendent of Schools, a member of his/her staff, or an employee of a school district that is within the jurisdiction of the County Board, is eligible to be a member of the County Board if he/she is an elector of the trustee area he/she is to represent and is not legally disqualified from holding civil office. (Education Code 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/she has been granted a pardon in accordance with law. (Elections Code 20, 321)

Term of Office

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

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)

Campaign Conduct

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 the county office of education, 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, or mailing of 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.

GOVERNING BOARD ELECTIONS (continued)

On the 125th day prior to the day fixed for the general election, the County Board secretary or his/her designee shall deliver a notice, bearing the secretary's signature and 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 the County Board or the candidate is to pay for the publication of a statement of qualifications pursuant to Elections Code 13307

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

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 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)

*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 *Elections*
- 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*

Legal Reference continued: (see next page)

GOVERNING BOARD ELECTIONS (continued)

Legal Reference: (continued)

ELECTIONS CODE

20 Public office eligibility
321 Elector
1302 Local elections
2201 Grounds for cancellation
4000-4004 Elections conducted wholly by mail
10400-10418 Consolidation of elections
10509 Notice of election by secretary
10600-10604 School district elections
13307 Candidate's statement
13309 Candidate's statement, indigence
14025-14032 California Voting Rights Act
20440 Code of Fair Campaign Practices

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

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
Rev 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)

Management Resources: (see next page)