

ENGROSSED HOUSE
BILL NO. 1289

BY: HUDSON of the HOUSE

and

HOOVER of the SENATE

(SCHOOLS - AMENDING 70 O.S., SECTION 5-107A -
SCHOOL BOARD ELECTIONS -
EMERGENCY)

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 70 O.S. 1981, Section 5-107A, as last amended by Section 1, Chapter 257, O.S.L. 1990 (70 O.S. Supp. 1990, Section 5-107A), is amended to read as follows:

Section 5-107A. The following provisions and the provisions of Sections 13A-101 through 13A-111 of Title 26 of the Oklahoma Statutes shall govern the election of members of the board of education for a school district:

A. The number and term of each board of education shall be as follows:

District	Members	Term (Years)
Dependent	3	3
Independent		
1. districts having a five-member board on January 1, 1989	5	5
2. districts having a seven-member board on January 1, 1989,		

or forming a seven-
member board pursuant
to Sections 7-101 and

7-105 of this title 7

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3. districts having a
nine-member board

on January 1, 1989 9

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B. In all school districts, the members of the board of
education shall be elected as follows:

1. a. Within six (6) months following the official
publication of the Federal Decennial Census by the
United States Bureau of Census, ~~it shall be the duty~~
~~of the board of education to divide~~ shall reapportion
the territory of the school district into election
districts. Beginning with the reapportionment
following the 1990 Federal Decennial Census, all
boundaries of election districts shall follow clearly
visible, definable and observable physical boundaries
which are based upon criteria established and
recognized by the Bureau of the Census of the United
States Department of Commerce for purposes of defining
census blocks for its decennial census. Such election
districts shall be compact, contiguous and shall be as
equal in population as may be practicable with not
more than a ten percent (10%) variance between the
most populous and least populous election districts.
~~In making such division the board may use population~~
~~reports of the United States Bureau of Census, utility~~
~~records, school membership records and any other~~
~~current data which is competent to aid in determining~~
~~the population of the school district and the location~~

~~of such population, but shall not use voter registration records.~~

b. School districts having fewer than one thousand (1,000) students in average daily attendance membership during the preceding school year may choose not to establish election districts and may nominate and elect all board members at large.

c. Dependent school districts shall have board members elected at large.

d. ~~If there is located in an independent school district~~
a A city located in an independent school district
having four or more wards and an outlying area, and such outlying area comprises no more than twenty percent (20%) of the population of such independent school district, then such independent school district may adopt such wards and outlying area in lieu of the election districts ~~hereinbefore mentioned~~ provided for in subparagraph a of this paragraph, and at least one member of the board of education of such independent school district shall be a member of each ward. ~~The board of education of a five-member board may choose to establish four (4) election districts as provided for in this paragraph and designate the fifth seat as an at large seat for which any member of the school district is eligible; and~~

2. One member of the board of education shall be elected by the electors of the school district to represent each such election district. Provided, however, that in any school district wherein the electors of each election district, rather than the electors of the entire school district, elected board members to represent that election district prior to January 1, 1988, that district shall continue to elect board members in that manner.

If during the term of office to which he were elected a member shall cease to be a resident of such election district for which he was elected, his office shall become vacant and such vacancy shall be filled as provided in Section 13A-110 of Title 26 of the Oklahoma Statutes; and

3. In school districts having more than thirty thousand (30,000) children in average daily membership, the majority of whom reside in a county with a population exceeding three hundred thousand (300,000), and in school districts having more than ten thousand (10,000) children in average daily membership, the majority of whom reside in a county with a population less than three hundred thousand (300,000) the following provision and the provisions of Sections 13A-101 through 13A-111 of Title 26 of the Oklahoma Statutes shall control as to election of the members of the school district's board of education:

- a. There shall be held a nomination election wherein the electors of each election district in which a term is expiring or in which a vacancy exists shall select two (2) nominees from among the candidates for board member to represent such district,
- b. If, in the nominating election, one candidate has a majority of all votes cast, then a general election is not required. If no candidate receives a majority of all votes cast, then the two candidates receiving the greatest number of votes shall become the nominees for such election district in the general election, and
- c. At the general election, all of the electors of such election district shall select one of the two nominees for each such election district as the member of the board of education representing such election district.

C. The offices of members of the board of education shall be designated by consecutive numbers and shall correspond with election districts when applicable.

D. The terms of office of the members of a five-member board of education shall commence on the first Monday in July of the year indicated:

Office No. 1	1991
Office No. 2	1992
Office No. 3	1993
Office No. 4	1994
Office No. 5	1995

The terms of office of the members of a seven-member board of education shall be staggered, with one member being elected in 1991, two members being elected in 1992, two members being elected in 1993 and two members being elected in 1994 and shall commence on the first regular meeting in July; provided, in districts needing to elect two members in 1991 to maintain a full complement of board members, two members shall be elected in 1991, one for a full term and one for a one-year term, as determined by the local board. If a seven-member board is formed upon consolidation pursuant to Section 7-105 of this title, the formation agreement shall specify initial short terms as necessary to extend until the beginning of the regular terms for seven-member boards established herein.

The terms of office of the members of a nine-member board of education shall be staggered, with three members being elected in 1991, three members being elected in 1992 and three members being elected in 1993, and shall commence on the first regular meeting in July.

One member of a three-member board of education shall be elected each year, and the terms of office shall commence on the first regular meeting in July.

E. The term of office of each board member elected after May 31, 1990, in any dependent or independent school district shall commence on the first regular meeting in July following the election of the member. Board members elected prior to June 1, 1990, may remain in office until their successor is elected and seated pursuant to Sections 13A-101 through 13A-111 of Title 26 of the Oklahoma Statutes. The remaining term of any member who completes the term for which the member was elected but not wishing to serve until the successor of the member takes office on the first regular meeting in July following the election of the successor, shall be filled by appointment by the remaining members of the board of education.

SECTION 2. This act shall become effective June 1, 1991.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 27th day of February, 1991.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1991.

President of the Senate