

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

SENATE BILL NO. 740

BY: SHURDEN of the SENATE

and

LEIST of the HOUSE

AS INTRODUCED

AN ACT RELATING TO ELECTIONS AND SCHOOLS; AMENDING 26

O.S. 1991, SECTIONS 13A-106 AND 13A-111, WHICH  
RELATE TO ELECTIONS FOR DISTRICT BOARD OF EDUCATION  
AND COSTS OF ELECTIONS, AND 70 O.S. 1991, SECTION  
5-107A, WHICH RELATES TO DISTRICT BOARDS OF  
EDUCATION; MODIFYING COMPOSITION OF BOARDS OF  
EDUCATION FOR INDEPENDENT DISTRICTS; CREATING  
POSITION ON BOARD OF EDUCATION FOR INDEPENDENT  
DISTRICTS TO BE FILLED BY RESIDENT OF DEPENDENT  
DISTRICT; STATING DUTIES OF CERTAIN OFFICERS;  
ESTABLISHING PROCEDURE FOR ELECTION; SPECIFYING  
DUTIES, QUALIFICATIONS, RESIDENCY REQUIREMENTS, AND  
TERM OF OFFICE; IDENTIFYING QUALIFIED ELECTORS;  
MANDATING REIMBURSEMENT FOR COSTS OF ELECTION;  
DELETING OBSOLETE LANGUAGE; PROVIDING FOR  
CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-107B of Title 70, unless there is created a duplication in numbering, reads as follows:

A. After January 1, 1993, at each annual election of board members for elementary school districts, the electors of each elementary school district shall elect at large one representative of the elementary school district to serve as a member of the board of education of an adjacent independent school district at which the greatest number of the high school students who live in the elementary district are enrolled.

B. No later than January 1, 1993, and each following year the superintendent of each independent district shall notify the board of education for each elementary district adjacent to the independent district of the number of high school students who reside in the elementary district who are enrolled in a public high school in the independent district. The board of education for the elementary district shall determine which independent district has enrolled the most high school students from the elementary district. The board of education for the elementary district shall include the position on the board of an independent school district to be held by a resident of the elementary district in the elementary board's resolution calling for an election of board members.

C. The election to fill the position on the board of an independent school district to be held by a resident of the elementary district shall be conducted in conjunction with the election of members to the board of education for the elementary district. The provisions of Sections 13A-101 et seq. of Title 26 of the Oklahoma Statutes shall govern the election.

D. The term of office of the member elected pursuant to this section shall be one (1) year to commence on the first regular meeting in July following election of the member. Except as otherwise provided by law, the member elected pursuant to this

section shall have the same rights and duties and be subject to the same requirements for qualification as other members of boards of education.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 13A-107 of Title 26, unless there is created a duplication in numbering, reads as follows:

A. To be eligible to be a candidate for the position on the board of an independent school district to be held by a resident of an elementary district as provided in this act, a person must have been a registered voter registered with the county election board at an address located within the geographical boundaries of the elementary district for six (6) months preceding the first day of the filing period. No person shall be eligible to be a candidate for or elected to the board unless the person has been awarded a high school diploma or certificate of high school equivalency.

B. Only electors eligible to vote in an elementary school district election as provided in Section 13A-106 of Title 26 of the Oklahoma Statutes are eligible to vote in an election to fill the position on the board of an independent school district to be held by a resident of the elementary district as provided in this act.

SECTION 3. AMENDATORY 26 O.S. 1991, Section 13A-106, is amended to read as follows:

Section 13A-106. A. To be eligible to be a candidate for member of the board of education of a school district or vocational-technical school district, a person must have been a registered voter registered with the county election board at an address located within the geographical boundaries of the district for six (6) months preceding the first day of the filing period. ~~Beginning May 1, 1990, no~~ No person shall be eligible to be a candidate for or elected to be a member of the board of education of a school district or vocational-technical school district unless the person has been awarded a high school diploma or certificate of high school

equivalency. In school districts that are divided into election districts, a candidate must have been a registered voter registered with the county election board at an address located within the geographical boundaries of the election district for six (6) months preceding the first day of the filing period. ~~Beginning May 1, 1990, no~~ No person shall be eligible to be a candidate for or elected to be a member of the board of education unless the person has been awarded a high school diploma or certificate of high school equivalency.

B. To be eligible to vote in a school district election or a vocational-technical school district election, a person must be registered with the county election board at an address located within the geographical boundaries of the district. To be eligible to vote in an election district election within a school district, a person must be registered with the county election board at an address located within the geographical boundaries of the election district.

C. The provisions of this section shall not apply to candidates or elections for the position on the board of an independent school district to be held by a resident of an elementary district as provided in this act.

SECTION 4. AMENDATORY 26 O.S. 1991, Section 13A-111, is amended to read as follows:

Section 13A-111. A. At elections held concurrently with county and state elections, the board of education of every school district and vocational-technical school district shall reimburse the county election board only for those costs exclusively attributable to the district.

B. At elections not held concurrently with county and state elections, the board of education of every school district and vocational-technical school district shall reimburse the county election board for all costs of the election. If more than one

entity holds an election concurrently, then costs shall be assessed proportionately.

C. The costs of an election to fill the position on the board of education for an independent district to be held by a resident of an adjacent elementary district as provided in this act shall be the responsibility of the elementary district. The elementary district shall reimburse the county election board in accordance with subsections A and B of this section.

SECTION 5. AMENDATORY 70 O.S. 1991, Section 5-107A, is amended to read as follows:

Section 5-107A. The With the exception of the member elected by the electors of an elementary district to serve on the board of education for an independent school district as provided in Section 1 of this act, the following provisions and the provisions of Sections 13A-101 et seq. 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)
Elementary	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	4

3. districts having a  
nine-member board  
on January 1, 1989  
unless an election is  
conducted pursuant to  
subsection C of this  
section

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

1. a. Between August 1 and December 31 of the year following  
the submission by the United States Department of  
Commerce to the President of the United States of the  
official Federal Decennial Census, the board of  
education shall reapportion the territory of the  
school district into board districts. Beginning with  
the reapportionment following the 1990 Federal  
Decennial Census, all boundaries of board 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 and shall follow, as much as is possible,  
precinct boundaries. Board districts shall be  
compact, contiguous and shall be as equal in  
population as practical with not more than a ten  
percent (10%) variance between the most populous and  
least populous board districts.
- b. School districts having fewer than one thousand  
(1,000) students in average daily membership during  
the preceding school year may choose not to establish

board districts and may nominate and elect all board members at large.

- c. Elementary school districts shall have board members elected at large.
- d. A city located in an independent school district having four or more wards and an outlying area with such outlying area comprising 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 board districts 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; and

2. One member of the board of education shall be elected by the electors of the school district to represent each such board district. Provided, however, that in any school district where the electors of each board district, rather than the electors of the entire school district, elect board members to represent that board district, that district shall elect board members in that manner.

If during the term of office to which a person was elected, that member ceases to be a resident of the board district for which the person was elected, the office shall become vacant and such vacancy shall be filled as provided in Section 13A-110 of Title 26 of the Oklahoma Statutes; provided, if the member still resides within the school district to which board that person was elected, the office shall not become vacant and the member may serve the remainder of the term to which the person was elected; and

3. In school districts having more than ten thousand (10,000) children in average daily membership, the following provision and the provisions of Sections 13A-101 et seq. 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 in which the electors of each board 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 the board 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 the board district in the general election, and
- c. At the general election, all of the electors of the board district shall select one of the two nominees as the member of the board of education representing the board district.

C. Until January 1, 1993, any nine-member board shall have the option of reducing its board to a seven- or five-member board after approval of a board resolution or a vote of the electors of the school district to take such action pursuant to Section 13A-109 of Title 26 of the Oklahoma Statutes. If the question is put before the voters of the district, such election shall be held along with and at the same time and place as the next school election if all requirements of Sections 13A-101 et seq. of Title 26 of the Oklahoma Statutes for such election are met.

After such resolution or election, the board shall reapportion the district, determining by resolution or by lot which board member offices shall be abolished at the end of the current board member's term and which shall become one of the offices of the new board.

Election of the resulting board members shall be carried out according to procedures stated in this section and Sections 13A-101 et seq. of Title 26 of the Oklahoma Statutes.

School board members currently serving in offices abolished pursuant to this subsection shall continue serving until the end of their current terms as at-large members.

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

E. 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. Upon reduction of a nine-member board pursuant to subsection C of this section, the terms of the five-member or seven-member board shall be staggered pursuant to this subsection.

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.

F. The term of office of each board member elected after May 31, 1990, 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 6. This act shall become effective September 1, 1992.

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