

ENROLLED HOUSE
BILL NO. 1103

By: Maddux (Elmer) of the
House

and

Muegge and Price of the
Senate

An Act relating to agriculture; amending 2 O.S. 1991, Sections 104c, as amended by Section 1, Chapter 120, O.S.L. 1992 and 131.4 (2 O.S. Supp. 1992, Section 104c), which relate to fair association board of directors and election and terms of successors of members of county fair board of directors; providing for notifications of filing period; specifying certain conditions concerning election; specifying date of election; providing for appointments; specifying procedures in case of tie vote; providing for election of fair board association board of directors; specifying certain conditions concerning the election; providing for date of election; allowing appointments to fair association board of directors; providing for voting procedures; requiring tabulation and announcement of results at a certain time and place; specifying procedures in case of a tie vote; providing terms of directors; allowing certain cities to elect directors; providing terms of certain directors; allowing appointment of certain directors; providing filing period for election or appointment of successors; repealing 2 O.S. 1991, Section 131.3, which relates to election and terms of initial members of free county fair association board of directors; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 2 O.S. 1991, Section 104c, as amended by Section 1, Chapter 120, O.S.L. 1992 (2 O.S. Supp. 1992, Section 104c), is amended to read as follows:

Section 104c. A. There is hereby constituted a board of directors for said association, to be composed of nine (9) members, who shall be elected by written ballot for a term of three (3) years, three from each county commissioner's district of said counties, to be elected at a mass meeting or convention of the qualified electors of each of said commissioner's district in said counties. ~~The county commissioner of each district shall hold an election at some convenient place in his district on the first Saturday of March of each year at the hour of 2:00 p.m.~~ Notice of which election shall be given by publication in some newspaper ~~printed and~~ published in each of said counties, for ten (10) days before said election. Notice of the filing period for said

elections shall be given in some newspaper published in said county at least ten (10) days before the filing period for said election.

B. The board of county commissioners shall, by resolution, set forth the following conditions concerning the election:

1. The filing period shall consist of five (5) consecutive business days and commence in January;

2. The date and time when the filing period will commence and end;

3. The date, time and place of said election;

4. Only registered voters of the county are eligible to file as a candidate;

5. Any person so filing must reside in the commissioner's district or city they seek to represent;

6. Prospective candidates must file with the county clerk; and

7. The board of county commissioners shall prescribe a form to be used by prospective candidates filing for the position of director of the fair board association.

C. The date of the election for the fair association board of directors shall be no later than three (3) weeks from the date of the final day of the filing period.

In the event there is not a candidate or candidates for the election to the fair association board of directors, the county commissioners shall appoint a director for each position for which no candidates have filed by the close of the filing period. The appointment or appointments will be announced no later than two (2) weeks from the closing of the filing period.

D. At said election there shall be elected from each commissioner's district three persons who are qualified electors of said district, as directors of said association, who shall serve for a term of three (3) years, and until their successors are elected or appointed and qualified. The commissioner or commissioner's designee shall preside at said meeting and the voting may be viva voce, or otherwise, as may at said meeting be determined by the electors there assembled. The commissioner or commissioner's designee presiding at said meeting shall have the authority to appoint a secretary of said meeting and the commissioner and secretary shall certify to the county clerk of each of said counties the names of the directors elected, and the county clerk shall keep a record thereof and shall issue to each person elected a certificate of election.

E. When a tie vote occurs in the election of a fair association board of directors, the commissioner or commissioner's designee shall select the candidate by lot pursuant to the procedures set forth in Section 8-105 of Title 26 of the Oklahoma Statutes.

F. The directors so elected shall meet on the second Saturday of March of each year at the county seat of each of said counties for the purpose of organization, and shall elect a president, a vice president, a secretary and a treasurer; provided, that the secretary need not be a member of the board of directors. The treasurer shall furnish surety bond executed with a qualified surety company doing business in this state, in such amount as the directors of said board may determine to be necessary to indemnify against any loss which may arise by reason of failure to perform the necessary duties of his office or other misconduct in office for which he shall be held liable.

Meetings of the directors may be called by the president of the board or fixed by the board at any time convenient; provided, the first election held under this act shall be on the first Saturday of June, and the board so elected at said election shall meet for organization purposes on the second Saturday of June of such year.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 131.3A of Title 2, unless there is created a duplication in numbering, reads as follows:

A. Within thirty (30) days of the establishment of a fair association, the board of county commissioners shall, by resolution, call for an election of the fair association board of directors. Notice of said elections shall be given in some newspaper published in said county at least ten (10) days before said election. Notice of said filing period for said elections shall be given in some newspaper published in said county at least ten (10) days before the filing period for said election. The board of county commissioners, by resolution, shall set forth the following conditions concerning the election:

1. The filing period shall consist of five (5) consecutive business days;

2. Only registered voters of the county are eligible to file as a candidate;

3. Any person so filing must reside in the commissioner's district or city they seek to represent;

4. Prospective candidates must file with the county clerk; and

5. The board of county commissioners shall prescribe a form to be used by prospective candidates filing for the position of director of the fair board association.

B. The date of the election for the fair association board of directors shall be no later than three (3) weeks from the date of the final day of the filing period.

If a district or city does not have a candidate or candidates for the position, the representative or representatives shall be appointed as provided herein:

1. The board of county commissioners shall appoint the representatives from the rural areas of the county; and

2. The mayor of the city shall appoint the representatives from the city.

In the event there is not a candidate for election to the fair association board of directors the appointment will be announced no later than two (2) weeks from the closing of the filing period.

C. The site of the elections shall be determined by the board of county commissioners. Elections shall be held at a convenient place in each district or city, on the same day and at the same time. The county commissioner representing the district or an official designee of the commissioner shall preside at the election.

D. The election shall be by secret ballot.

E. The results of the election shall be tabulated at the site of the election and announced prior to the adjournment of the election meeting.

F. When a tie vote occurs in the election of a fair association board of directors, the commissioner or commissioner's designee shall select the candidate by lot, pursuant to the procedures set forth in Section 8-105 of Title 26 of the Oklahoma Statutes.

G. Initial terms of the directors:

1. The director from commissioner's district one shall be elected for a term of one (1) year;

2. The director from commissioner's district two shall be elected for a term of two (2) years; and

3. The director from commissioner's district three shall be elected for a term of three (3) years.

The term of each director elected subsequent to the initial term shall be for a period of three (3) years.

H. If there is a city in the county with a population of more than twenty thousand (20,000) according to the latest federal

census, the board of county commissioners shall in the manner as provided herein cause to be elected two directors to represent the city on the fair association board of directors as follows:

1. The county clerk or an official designee of the clerk shall preside at election in the city; and

2. Two directors shall be elected to represent the city:

a. the candidate receiving the highest number of the ballots cast shall be elected for a three-year term, and

b. the candidate receiving the second highest number of votes shall be elected for a two-year term.

Provided, if, by the close of the filing period, a district or city is without a candidate for the position of fair board director, the board of county commissioners shall appoint a person to serve on the fair association board of directors to represent the respective district and the mayor of the city shall make the appointments for the two (2) city representatives.

SECTION 3. AMENDATORY 2 O.S. 1991, Section 131.4, is amended to read as follows:

Section 131.4 Thereafter, upon the expiration of the term to which each director has been elected, ~~there shall be an election held on the first Saturday of March in said commissioners district or city by the commissioner of said district, or by all jointly in case of a city election, in like manner with the same notice as above provided, at which election a~~ or appointed, the board of county commissioners shall cause the filing period for the position of director to the fair board association to commence in January and provide for the election or appointment of the director in accordance with the provisions as set forth in Section 2 of this act. The director shall be elected or appointed to said board of directors for a term of three (3) years. The commissioner or county clerk presiding at such meeting shall certify and file in the office of the county clerk the name or names of the directors elected, and the county clerk shall keep a record thereof and shall issue to each person elected a certificate of election. The board of directors shall, within ten (10) days after appointment and taking oath of office, organize by electing a president, vice president, ~~and secretary-treasurer~~ secretary and treasurer, who shall hold office at the pleasure of the board; provided, that the secretary shall not be a member of the board of directors.

SECTION 4. REPEALER 2 O.S. 1991, Section 131.3, is hereby repealed.

SECTION 5. This act shall become effective September 1, 1993.

Passed the House of Representatives the 21st day of April, 1993.

Speaker of the House of
Representatives

Passed the Senate the 7th day of April, 1993.

President of the Senate