

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1797

By: Miller

AS INTRODUCED

An Act relating to schools; providing procedure for the recall of school board members; providing for the recall petition; requiring signatures; prohibiting certain acts; providing penalty; requiring verification; providing for the filing and circulation of recall petitions; providing for notice; providing procedure for filing protests and objections; providing for special election; providing for ballot; making certain prohibitions; providing codification; providing an effective date; and declaring an emergency.

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:

Every elective member of a board of education in this state shall be subject to recall by the qualified electors of the school district from which such school board member was elected. No recall petition may be filed, as provided for in subsection A of Section 7 of this act, during the first one hundred eighty (180) days or during the last one hundred eighty (180) days of the term of office

of any elective school board member subject to recall. A separate petition shall be circulated for each school board member sought to be recalled. A school board member sought to be recalled shall continue to perform duties of the office until the result of the recall election is certified.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-107C of Title 70, unless there is created a duplication in numbering, reads as follows:

The petition for the recall of a school board member shall be in a form prescribed by the Secretary of State. The petition shall contain the reason for the recall, the verification of the circulation and such other information deemed necessary by the Secretary of State. A person may print his or her own recall petitions if those petitions comply substantially with the form prescribed by the Secretary of State.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-107D of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Each recall petition shall be duplicated for the securing of signatures, and each sheet for signatures shall be attached to a copy of the recall petition. Each copy of the recall petition and sheets for signatures shall be termed a pamphlet. On the outer page of each pamphlet shall be printed the word "Warning", and underneath this in ten-point type the words, "It is a felony for anyone to sign a recall petition with any name other than his or her own, or knowingly to sign his or her name more than once for the measure, or to sign such petition when he or she is not a legal voter." Each signature sheet shall state that it is for purposes of recall and shall state the name of the school board member for whom recall is sought. Not more than forty signatures per sheet shall be counted.

B. The recall petition shall be signed by qualified electors of the school district of the school board member whose recall is



address, and date of signing correctly, and that each signer is a qualified elector of the school district of the school board member sought to be recalled. (Signature and post office address of affiant.)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 19\_\_.

(Signature and title of the officer before whom oath is made, and his or her post office address.)

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-107G of Title 70, unless there is created a duplication in numbering, reads as follows:

Petitions demanding the recall of school board members shall be filed with the county clerk of the county in which the school district's administrative office is located.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-107H of Title 70, unless there is created a duplication in numbering, reads as follows:

A. When a person desires to circulate a recall petition, the person shall, when the recall petition is prepared and before it is circulated or signed by electors, file a copy of the recall petition with the filing officer as provided for in Section 6 of this act. Within ninety (90) days after the filing of the copy of the recall petition, the signed copies of the recall petition shall be filed with the filing officer.

B. When the signed copies of a petition are timely filed, the filing officer shall make or cause to be made a physical count of the number of signatures appearing on the petitions. The filing officer shall cause to be published, in at least one newspaper of general circulation in the school district of the school board member sought to be recalled, a notice of such filing and the apparent sufficiency or insufficiency thereof and notice that any citizen or citizens of the school district may file a protest to the

petition or an objection to the count, by a written notice to the filing officer and to the person or persons filing the petition, said protest to be filed within ten (10) days after publication. In case of the filing of an objection to the count, notice shall also be given to the party filing a protest, if one was filed. In the case of a protest or objection against a recall petition filed with the county clerk, the district court shall fix a day, not less than ten (10) days thereafter, at which time it will hear testimony and arguments for and against the sufficiency of the recall petition. A protest filed by anyone hereunder may, if abandoned by the party filing same, be revived within five (5) days by any other citizen. After such hearing, the district court shall decide whether the petition is in such form as required by law. No objection to the sufficiency shall be considered unless the same shall have been made and filed as provided for in this section.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-107I of Title 70, unless there is created a duplication in numbering, reads as follows:

If the recall petition is found to be sufficient, the officer with whom the recall petition is filed shall order a special election. The special election shall be held within not less than thirty (30) days nor more than forty (40) days of the publication of the notice of sufficiency of the recall petition.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-107J of Title 70, unless there is created a duplication in numbering, reads as follows:

A. Except as otherwise provided for in this act, the provisions relating to general elections shall govern the conducting of a recall election.

B. The ballot shall be designed with the question of whether the school board member shall be recalled, placed on the ballot in the following manner: "Shall (name of school board member) be

recalled from the board of \_\_\_\_\_ (school district) \_\_\_\_\_?". Provision shall be made for making the question "Yes" or "No".

C. To recall any school board member, a majority of the votes cast at the recall election must be in favor of such recall.

D. If recalled, a school board member shall be recalled as of the time when the results of the recall election are certified, and a vacancy in the office shall then exist.

E. If a school board member is recalled from his or her office, the vacancy shall be filled in the manner provided for by law for filling a vacancy in that office.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-107K of Title 70, unless there is created a duplication in numbering, reads as follows:

A. After one recall election, no further recall petition shall be filed against the same school board member during his or her current term of office, unless the petitioners pay the whole amount of the expenses for the preceding recall election. The specific reason for recall in one recall petition cannot be the basis for a second recall petition during the same term of office of the school board member.

B. A school board member who was recalled shall not be a candidate to fill the vacancy created by the recall nor be appointed to fill a vacancy in a school board office in the school district from which the recall was made during the term of office from which the school board member was recalled.

C. A school board member who has resigned subsequent to the filing of a recall petition shall not be appointed to fill a vacancy in a school board office in that school district during the term of the office from which the school board member resigned.

D. If a school board member whose recall is sought resigns after the calling of a recall election, the election shall not be held.

SECTION 11. This act shall become effective July 1, 1997.

SECTION 12. 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.

46-1-6137

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