

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

CONFERENCE COMMITTEE
SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2663

By: Adair and Ferguson of the
House

and

Corn of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to elections; providing procedures for scheduling and holding certain elections; providing time when certain persons shall take office; providing for contents of certain election proclamations; providing criteria for calculation of certain periods of legislative service; amending 26 O.S. 2001, Section 5-106, which relates to candidates filing for office; clarifying restriction; amending 26 O.S. 2001, Sections 12-103, 12-108 and 12-113, as amended by Sections 9, 10 and 11 of Enrolled House Bill No. 2677 of the 2nd Session of the 49th Oklahoma Legislature, which relate to special elections; clarifying terminology; amending 26 O.S. 2001, Section 12-116, which relates to special elections; clarifying dates on which special elections may be held; amending 26 O.S. 2001, Sections 13A-105 and 13A-109, which relate to school district elections; allowing candidates to file declarations of candidacy in county in which they reside; updating statutory references; requiring boards of education to publish legal notice and issue a press release of elections for members of the board; providing for contents of the notice; requiring posting of notice in certain locations; amending 70 O.S. 2001, Section 14-108, as last amended by Section 1, Chapter 50, O.S.L. 2003 (70 O.S. Supp. 2003, Section 14-108), which relates to technology center school districts; providing for apportionment of district into district zones; providing for reapportionment of district zones; establishing criteria for boundaries and division of district zones; providing for election of board members from each district zone; requiring vacancy in office upon changed residency of a member; providing for codification; 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 12-110.1 of Title 26, unless there is created a duplication in numbering, reads as follows:

A. Elections to fill the seat of a member of the Oklahoma State Senate or the Oklahoma House of Representatives who is not eligible to complete the term of office to which such member was elected due to the provisions of Section 17A of Article V of the Oklahoma Constitution shall be held as provided in this section.

B. Whenever a member's eligibility to serve shall expire after March 1 in an even-numbered year, the vacancy shall be filled by a special election to be called by the Governor which shall be held in that even-numbered year on the same dates as the regular Primary Election, Runoff Primary Election and General Election. The filing period for the special election shall be the regular filing period prescribed in Section 5-110 of Title 26 of the Oklahoma Statutes. The person elected in the special election shall take office on the later of the date other members of the legislature elected at such election take office or the expiration of the incumbent's eligibility to serve and shall serve the remainder of the unexpired term.

C. Whenever a member's eligibility to serve shall expire in an odd-numbered year or prior to March 1 in an even-numbered year, the position shall be filled by a special election to be called by the Governor. The Governor shall issue a proclamation calling such an election no less than sixty (60) days prior to the expiration of the member's eligibility to serve. The person elected shall take office upon the expiration of the incumbent's eligibility to serve.

D. The Governor shall issue a proclamation, a copy of which must be filed with the Secretary of the State Election Board, for any election to be held pursuant to this section. Such proclamation shall be issued prior to the date the member's eligibility to serve expires and must be issued at least ten (10) days prior to the filing period. For an election held pursuant to subsection C of this section, the proclamation shall contain the following facts:

1. A filing period of three (3) days, on a Monday, Tuesday and Wednesday, not less than ten (10) days from the date of said proclamation;

2. The date of the Special Primary Election, not less than twenty (20) days after the close of the filing period; and

3. The date of the Special General Election, not less than twenty (20) days after the date of the Primary Election.

E. For purposes of this section:

1. A full term of service in the Oklahoma House of Representatives shall be counted as two (2) years of service;

2. A full term of service in the Oklahoma State Senate shall be counted as four (4) years of service;

3. A period of service of less than a full term which is not exempt from the constitutional limitations on length of legislative service shall be calculated from the date the legislator assumes the office for such term until the date the legislator vacates such office; and

4. A period of service with respect to a term during which a member reaches the constitutionally limited length of service shall be calculated from the date the legislator assumes the office for such term until the date the legislator completes a total of twelve (12) years of service not exempt from the constitutional limitations.

SECTION 2. AMENDATORY 26 O.S. 2001, Section 5-106, is amended to read as follows:

Section 5-106. Candidates may file for no more than one office at any election. ~~For purposes of this section a~~ A Special Election and a Regular Election held on the same date shall be considered one election.

SECTION 3. AMENDATORY 26 O.S. 2001, Section 12-103, as amended by Section 9 of Enrolled House Bill No. 2677 of the 2nd

Session of the 49th Oklahoma Legislature, is amended to read as follows:

Section 12-103. The proclamation required by Section 12-102 of this title shall contain the following facts:

1. A filing period of three (3) days, on a Monday, Tuesday and Wednesday not less than ten (10) days from the date of such proclamation;

2. The date of the Special Primary Election, not less than twenty (20) days after the close of the filing period;

3. The date of the Special Runoff Primary Election, not less than twenty (20) days after the date of the Special Primary Election; and

4. The date of the Special General Election, not less than twenty (20) days after the date of the Special Runoff Primary Election.

Should such a vacancy occur between March 1 and June 1 of an even-numbered year, when a special election is required, the proclamation must contain dates that are the same as are required by law for the regular filing period, Primary Election, Runoff Primary Election and General Election.

SECTION 4. AMENDATORY 26 O.S. 2001, Section 12-108, as amended by Section 10 of Enrolled House Bill No. 2677 of the 2nd Session of the 49th Oklahoma Legislature, is amended to read as follows:

Section 12-108. Such proclamation shall contain the following facts:

1. A filing period of three (3) days, on a Monday, Tuesday and Wednesday not less than ten (10) days from the date of such proclamation;

2. The date of the Special Primary Election, not less than twenty (20) days after the close of the filing period; and

3. The date of the Special General Election, not less than twenty (20) days after the date of the Special Primary Election.

Should such a vacancy occur between March 1 and June 1 of an even-numbered year, when a special election is required, the proclamation must contain dates that are the same as are required by law for the regular filing period, Primary Election, Runoff Primary Election and General Election.

SECTION 5. AMENDATORY 26 O.S. 2001, Section 12-113, as amended by Section 11 of Enrolled House Bill No. 2677 of the 2nd Session of the 49th Oklahoma Legislature, is amended to read as follows:

Section 12-113. Such proclamation shall contain the following facts:

1. A filing period of three (3) days, on a Monday, Tuesday and Wednesday, not less than ten (10) days from the date of such proclamation;

2. The date of the Special Primary Election, not less than twenty (20) days after the close of the filing period; and

3. The date of the Special General Election, not less than twenty (20) days after the date of the Special Primary Election.

Should such a vacancy occur between March 1 and June 1 of an even-numbered year, when a special election is required, the proclamation must contain dates that are the same as are required by law for the regular filing period, Primary Election, Runoff Primary Election and General Election.

SECTION 6. AMENDATORY 26 O.S. 2001, Section 12-116, is amended to read as follows:

Section 12-116. In the event the Governor or the Legislature shall call for a special statewide election on any measure to be submitted to a vote of the people, said election shall be held not fewer than sixty (60) days from the date said election is called. Such special statewide election may be on the same date as a primary

or general election or may be on some other date set by the Governor or the Legislature. In the event the board of county commissioners or the governing body of a municipality or school district or technology center school district or any other governmental subdivision calls for a special election on any question, said election shall be held not fewer than sixty (60) days from the date said election is called; provided, that a special election called by a school or technology center school district to be held on the date of the annual school runoff election shall not be held fewer than forty-five (45) days from the date said special election is called. A special election to fill a vacancy for member of the board of education of a school district or to fill a vacancy for municipal office shall be scheduled not fewer than sixty (60) days from the date said election is called.

SECTION 7. AMENDATORY 26 O.S. 2001, Section 13A-105, is amended to read as follows:

Section 13A-105. Candidates for member of the board of education of every school district or technology center school district shall file declarations of candidacy in the same place and with the same officials as candidates for county office. The declaration of candidacy to be signed by the candidate shall have an attachment to be signed by the candidate listing the requirements of a candidate for election or reelection to a school board as set forth in Sections 13A-106 and 5-105a of this title and Sections 5-110, 5-110.1, and 5-113 of Title 70 of the Oklahoma Statutes, and the candidate shall swear or affirm that he or she is eligible to run for ~~such~~ the office or serve in ~~such~~ the office if elected. Candidates shall file on the first Monday in December through the following Wednesday. For school districts and technology center school districts located in more than one county, filing ~~shall~~ may be either in the county wherein supervision of the district is located or in the county where the candidate resides.

SECTION 8. AMENDATORY 26 O.S. 2001, Section 13A-109, is amended to read as follows:

Section 13A-109. A. The board of education of every school district and technology center school district shall notify, by resolution, the secretary of the county election board responsible for certifying its election of any regular or special election.

B. The resolution calling for an election or elections shall include, but shall not be limited to, the following information:

1. Date or dates of the election or elections;
2. Identification of the office or offices to be filled, qualifications of candidates for office and the length of term of each;
3. Information describing election districts or zones within the school district, if applicable;
4. Ballot titles of the question or questions to be voted upon;
5. Information describing the persons eligible to vote in the election; and
6. All other information necessary for conducting the election or elections.

C. Resolutions calling for regular elections shall be delivered to the secretary of the county election board no fewer than fifteen (15) days preceding the first day of the filing period. The resolution shall contain all questions to be voted upon at the election to be held on the ~~second Tuesday in February~~ day as required in Section 13A-103 of this title.

D. Resolutions calling for special elections shall be delivered to the secretary of the county election board no fewer than sixty (60) days preceding the election.

E. For elections of members of the board of education of a school district and technology center school district, in addition to notifying the secretary of the county election board of the election by resolution as required in this section, the board shall

also publish a legal notice for each regular and special election in one issue of a legal newspaper of the county, as defined by Section 106 of Title 25 of the Oklahoma Statutes, in each county wherein the school district is located at least ten (10) days prior to the filing period and shall issue a news release of the upcoming filing period and election to a newspaper of general circulation in each county wherein the school district is located. The legal notice and press release shall include, but shall not be limited to, the dates of the filing period for the election or elections and all information contained in the resolution describing the election as provided for in subsection B of this section. The notice shall also be posted at the school district administrative offices and county election board offices.

SECTION 9. AMENDATORY 70 O.S. 2001, Section 14-108, as last amended by Section 1, Chapter 50, O.S.L. 2003 (70 O.S. Supp. 2003, Section 14-108), is amended to read as follows:

Section 14-108. A. The State Board of Career and Technology Education shall prescribe criteria and procedures for the establishment and governance of technology center school districts, as provided by Section 9B, Article X, Oklahoma Constitution, and such districts so established shall be operated in accordance with rules of the State Board of Career and Technology Education, except as otherwise provided in this title.

B. A technology center school district shall be a body corporate and shall possess the usual powers of a corporation for public purposes. Its official name shall be designated by the State Board of Career and Technology Education, in which name it may sue and be sued, and be capable of contracting and being contracted with, and holding real and personal estate.

~~Its~~ C. The governing board of a technology center school district shall be a board of education consisting of not less than five (5) nor more than seven (7) members ~~elected in a manner~~

~~prescribed by the.~~ The territory of each technology center school district shall be divided into district zones by the State Board of Career and Technology Education. 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 shall reapportion the territory of each technology center school district into district zones. All boundaries of district zones 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 possible, precinct boundaries. District zones 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 district zones. One member of the board of education shall be elected by the electors of a district zone to represent each such district zone. If during the term of office to which a person was elected, that member ceases to be a resident of the district zone for which the person was elected, the office shall become vacant and the vacancy shall be filled as provided in Section 13A-110 of Title 26 of the Oklahoma Statutes. The State Board of Career and Technology Education shall promulgate rules prescribing the manner in which members of the board of education are elected.

~~Such~~ D. The board of education of a technology center school district shall have the same powers and duties that boards of education of independent school districts have. It may require nonresident students to pay reasonable tuition fees, which may be paid for a student by the independent or elementary school district in which the student resides.

~~E.~~ E. An election to vote on the question of making a levy of not to exceed five (5) mills on the dollar valuation of the taxable

property in a technology center school district under the provisions of subsection A, Section 9B, Article X, Oklahoma Constitution, shall be called by the board of education and conducted by the county election board of such district in the same manner that elections for emergency levies in school districts under the provisions of Section 9(d), Article X, Oklahoma Constitution, are called and conducted. When such levy is approved by a majority of the electors of the technology center school district voting on the question at such election, the levy shall be made each fiscal year thereafter until repealed by a majority of the electors of the district voting on the question at an election called for such purpose. An election to vote on the question of making a local incentive levy of not to exceed five (5) mills on the dollar valuation of the taxable property in a technology center school district under the provisions of subsection B of Section 9B of Article X of the Oklahoma Constitution, may be called by the board of education; and elections on a levy for a building fund for an area school district under the provisions of Section 10, Article X, Oklahoma Constitution, shall be called by the board of education of such district and conducted by the county election board in the same manner that elections for similar levies are called and conducted in independent school districts.

~~D.~~ F. Annual estimates of needs of technology center school districts shall be made and approved in the same manner that those of independent school districts are made and approved. Provided, that the State Board of Career and Technology Education shall prescribe a list of appropriation accounts by which the funds of technology center school districts shall be budgeted, accounted for and expended. Any such estimate of needs may include an estimate of federal funds as probable income from sources other than ad valorem tax of the district and other than any excise or other tax assessed by legislative enactment and distributed in lieu of ad valorem

taxes. If a technology center school district lies in more than one county, the district's estimate of needs shall be filed with and approved by the county excise board of the county designated by the school district board of education.

~~E.~~ G. Territory may be annexed to or detached from a technology center school district, in accordance with rules prescribed by the State Board of Career and Technology Education. If the State Board of Career and Technology Education requires the submission of a petition in order for an election to be called for the purpose of annexation or deannexation of territory to a technology center school district, such petition shall not be required to bear a number of technology center school district electors' signatures which exceed fifty percent (50%) of the number of technology center school district electors who voted in the last school board election in the territory proposed to be annexed or deannexed. Provided, the period of time from which the petition is initiated to its time of filing with the State Board shall not exceed ninety (90) days.

~~F.~~ H. Schools of technology center school districts shall be subject to classification, inspection and accreditation by the State Board of Education.

~~G.~~ I. The technology center school board of education may designate a county treasurer to serve as treasurer of the school district or may appoint an independent treasurer.

~~H.~~ J. Within four (4) years after the creation of a technology center school district, such school district may, at its discretion, permit a teacher to transfer any or all accrued benefits upon employment including credit for years of service in the previous school district by the technology center school district, if the teacher at the time of hiring is employed as a teacher by an independent or elementary school district which is all or partly within the boundaries of the technology center school district or is

employed as a teacher in a skills center within the boundaries of the school district.

~~I.~~ K. The board of education of a technology center school district may convey personal property without consideration to a school district that is within the boundary of the technology center school district or a public school offering secondary level education which was created and is operated by the State of Oklahoma and that is within the boundary of the technology center school district.

~~J.~~ L. The board of education of a technology center school district may, without prior approval of the State Board of Career and Technology Education, approve all plans and specifications for technology center school buildings, additions, and major modifications to school buildings that are designed to provide for the offering of vocational-technical education programs and services when the cost of the building project is to be paid with local levies or state bond monies or both local levies and state bond monies.

SECTION 10. 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.

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