

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

HOUSE BILL 1372

By: Wright

AS INTRODUCED

An Act relating to boards of education; amending 26 O.S. 2001, Section 13A-105, as amended by Section 7, Chapter 369, O.S.L. 2004 (26 O.S. Supp. 2004, Section 13A-105), which relates to school board declarations of candidacy; clarifying candidate filing dates for regular elections; providing candidate filing dates for special elections; amending 26 O.S. 2001, Section 13A-110, which relates to vacancies on boards of education; modifying procedure for filling school board vacancies; specifying process; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 26 O.S. 2001, Section 13A-105, as amended by Section 7, Chapter 369, O.S.L. 2004 (26 O.S. Supp. 2004, 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 the office or serve in the office if elected. Candidates for a school board office to be filled in the regular election provided in subsection A of Section 13A-103 of this title shall file

on the first Monday in December through the following Wednesday.
Candidates for a school board office to be filled in a special election shall file on a Monday through the following Wednesday that is at least ten (10) days after the seat has been declared vacant.
For school districts and technology center school districts located in more than one county, filing may be either in the county wherein supervision of the district is located or in the county where the candidate resides.

SECTION 2. AMENDATORY 26 O.S. 2001, Section 13A-110, is amended to read as follows:

Section 13A-110. A. Except for a vacancy in the position of the chair of the board elected pursuant to Section ~~1 of this act~~ 5-107B of Title 70 of the Oklahoma Statutes, vacancies for members of the board of education of every school district or technology center school district shall be filled by ~~appointment by the board.~~
~~Persons appointed to fill such vacancies in the first half of the term of office for the board position shall serve only until the next succeeding election, at which time the office which they hold shall be placed on the ballot~~ election for the balance of the unexpired term. ~~Vacancies filled by appointment following the delivery of the resolution calling for regular elections to the secretary of the county election board shall be filled until the regular elections the following year.~~ Upon learning of the vacancy, the board of education shall make such declaration at its next regularly scheduled meeting, set the filing dates for candidacy to the office, and adopt the resolution calling for the election as provided in Section 13A-109 of this title. If the vacancy is declared within the first fourteen (14) days of November, the board shall utilize the regular election provided in Section 13A-103 of this title to fill the office. If the vacancy is declared at any other time of the year, the board shall call a special election as provided in Sections 13A-103 and 13A-109 of this title. The special

election shall be held within ninety (90) days of declaring the seat vacant. Persons elected to fill unexpired terms shall begin those terms at the next regular meeting of the board of education following the election. ~~Persons appointed to fill such vacancies after the first half of the term of office for the board position shall serve for the balance of the unexpired term. No person shall be appointed to a board of education who does not~~ and shall meet the eligibility qualifications needed to be a candidate for such position as provided for in Sections 13A-106 of this title and Sections 5-110, 5-110.1 and 5-113 of Title 70 of the Oklahoma Statutes.

~~B. If the board of education does not fill the vacancy by appointment within sixty (60) days of the date the board declared the seat vacant, the board of education shall call a special election to fill the vacancy for the unexpired term.~~

~~C.~~ In districts having a chair of the board elected by the electors of the district, a vacancy in the office of the chair of the board shall be filled by the vice-chair who shall continue to serve as the board member for the board district for which elected. The board shall call a special election to elect a chair of the board to serve the remainder of the unexpired term. The special election shall be held in conjunction with the next regular, district-wide school election, conducted pursuant to Section 13A-103 of this title, that is held more than ninety (90) days after the vacancy occurs. The successful candidate in the special election shall assume office as provided for district board of education members and shall serve the remainder of the unexpired term.

SECTION 3. This act shall become effective July 1, 2005.

SECTION 4. 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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