

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 3379

By: Faught

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5  
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2001,  
8 Section 5-107A, which relates to boards of education  
9 membership; changing length of term for five-member  
10 boards of education; providing for recall and removal  
11 of school district board of education members;  
12 providing for submission of a recall petition;  
13 requiring petition to be signed by certain percentage  
14 of school district electors; directing the county  
15 election board secretary to certify the number of  
16 signatures; providing for submission of a recall  
17 petition for board members elected by board district;  
18 specifying manner of recall elections; providing  
19 procedure for filling a vacancy upon recall of a  
20 member; providing for codification; providing an  
21 effective date; and declaring an emergency.

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

23 SECTION 1. AMENDATORY 70 O.S. 2001, Section 5-107A, is  
24 amended to read as follows:

Section 5-107A. The following provisions and the provisions of  
Section 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:

1 A. For purposes of this section, temporary positions added to a  
 2 board of education pursuant to Section 7-101 or 7-105 of this title  
 3 and the chair of the board of education elected pursuant to Section  
 4 ~~±~~ 5-107B of this ~~act~~ title shall not be considered in determining  
 5 the size of the board. The number and term of each board of  
 6 education shall be as follows:

District	Members	Term (Years)
Elementary	3	3
Independent		
1. Districts having a five-member board, <u>for members elected</u> <u>prior to July 1, 2008</u>	5	5
2. <u>Districts having a five-member</u> <u>board, for members elected</u> <u>after July 1, 2008</u>	<u>5</u>	<u>4</u>
3. <u>Districts having a seven-</u> member board unless an election is conducted pursuant to subsection C of this section	7	4

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

23 1. a. Between August 1 and December 31 of the year following  
 24 the submission by the United States Department of

1 Commerce to the President of the United States of the  
2 official Federal Decennial Census, the board of  
3 education shall reapportion the territory of the  
4 school district into board districts. Beginning with  
5 the reapportionment following the 1990 Federal  
6 Decennial Census, all boundaries of board districts  
7 shall follow clearly visible, definable and observable  
8 physical boundaries which are based upon criteria  
9 established and recognized by the Bureau of the Census  
10 of the United States Department of Commerce for  
11 purposes of defining census blocks for its decennial  
12 census and shall follow, as much as is possible,  
13 precinct boundaries. Board districts shall be  
14 compact, contiguous and shall be as equal in  
15 population as practical with not more than a ten  
16 percent (10%) variance between the most populous and  
17 least populous board districts.

18 b. School districts having fewer than one thousand eight  
19 hundred (1,800) students in average daily membership  
20 during the preceding school year may choose not to  
21 establish board districts and may nominate and elect  
22 all board members at large.

23 c. Elementary school districts shall have board members  
24 elected at large.

1 d. A city located in an independent school district  
2 having four or more wards and an outlying area with  
3 such outlying area comprising no more than twenty  
4 percent (20%) of the population of such independent  
5 school district, then such independent school district  
6 may adopt such wards and outlying area in lieu of the  
7 board districts provided for in subparagraph a of this  
8 paragraph, and at least one member of the board of  
9 education of such independent school district shall be  
10 a member of each ward; and

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

17 If during the term of office to which a person was elected, that  
18 member ceases to be a resident of the board district for which the  
19 person was elected, the office shall become vacant and such vacancy  
20 shall be filled as provided in Section 13A-110 of Title 26 of the  
21 Oklahoma Statutes; and

22 3. In a school district having more than ten thousand (10,000)  
23 children in average daily membership, the following provision and  
24 the provisions of Section 13A-101 et seq. of Title 26 of the

1 Oklahoma Statutes shall control as to election of the members of the  
2 school district's board of education:

3 a. There shall be held an election in which the electors  
4 of each board district in which a term is expiring or  
5 in which a vacancy exists shall select two candidates  
6 from among the candidates for board member to  
7 represent the board district,

8 b. If, in the election, one candidate has a majority of  
9 all votes cast, then a run-off election is not  
10 required. If no candidate receives a majority of all  
11 votes cast, then the two candidates receiving the  
12 greatest number of votes shall become the candidates  
13 for the board district in the general election, and

14 c. At the run-off election, all of the electors of the  
15 board district shall select one of the two candidates  
16 as the member of the board of education representing  
17 the board district.

18 C. Any seven-member board shall have the option of reducing its  
19 board to a five-member board either after approval of a board  
20 resolution or a vote of the electors of the school district to take  
21 such action pursuant to Section 13A-109 of Title 26 of the Oklahoma  
22 Statutes. The election pursuant to a vote of the electors of the  
23 school district shall be called upon the submission of a petition  
24 requesting the election signed by ten percent (10%) of the school

1 district electors in the school district, the percentage being  
2 applied to the highest number of voters voting in a regular school  
3 district election in the district in the preceding five (5) years as  
4 determined by the secretary of the county election board, who shall  
5 certify the adequacy of the number of signatures on the petition.  
6 If the question is put before the voters of the district, such  
7 election shall be held along with and at the same time and place as  
8 the next school election if all requirements of Section 13A-101 et  
9 seq. of Title 26 of the Oklahoma Statutes for such election are met.

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

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

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

20 D. Except for the chair of the board of education elected  
21 pursuant to Section 1 of this act, offices of members of the board  
22 of education shall be designated by consecutive numbers and shall  
23 correspond with board districts when applicable.

24

1 E. Except for those members elected prior to July 1, 1992, the  
2 terms of office of the members of a five-member board of education  
3 shall commence on the first regular, special or emergency school  
4 board meeting after the date of the annual school election and after  
5 the member has been certified as elected:

- 6 Office No. 1 1991
- 7 Office No. 2 1992
- 8 Office No. 3 1993
- 9 Office No. 4 1994
- 10 Office No. 5 1995

11 The terms of office of the members of a seven-member board of  
12 education shall be staggered, with one member being elected in 1991,  
13 two members being elected in 1992, two members being elected in 1993  
14 and two members being elected in 1994 and shall commence on the  
15 first regular, special or emergency school board meeting after the  
16 date of the annual school election and after the member has been  
17 certified as elected; provided, in districts needing to elect two  
18 members in 1991 to maintain a full complement of board members, two  
19 members shall be elected in 1991, one for a full term and one for a  
20 one-year term, as determined by the local board. If a seven-member  
21 board is formed upon consolidation pursuant to Section 7-105 of this  
22 title, or upon annexation pursuant to Section 7-101 of this title,  
23 the formation agreement shall specify initial short terms as

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1 necessary to extend until the beginning of the regular terms for  
2 seven-member boards established herein.

3       Upon reduction of a seven-member board pursuant to subsection C  
4 of this section, the terms of the five-member board shall be  
5 staggered pursuant to this subsection.

6       One member of a three-member board of education shall be elected  
7 each year, and the terms of office shall commence on the first  
8 regular, special or emergency school board meeting after the member  
9 has been certified as elected.

10       F. The term of office of each board member elected after July  
11 1, 1992, shall commence on the first regular, special or emergency  
12 school board meeting after the date of the annual school election  
13 and after the member has been certified as elected. Board members  
14 elected prior to July 1, 1992, may remain in office until their  
15 successor is elected and seated pursuant to Sections 13A-101 through  
16 13A-111 of Title 26 of the Oklahoma Statutes. The remaining term of  
17 any member who completes the term for which the member was elected  
18 but not wishing to serve until the successor of the member takes  
19 office on the first regular, special or emergency school board  
20 meeting after the successor has been certified as elected, shall be  
21 filled by appointment by the remaining members of the board of  
22 education.

23       G. The term of office of the members of a five-member board of  
24 education elected after July 1, 2008, shall be four (4) years.

1 Members elected prior to July 1, 2008, shall continue to serve out  
2 the five-year term for which they were elected. If a member that is  
3 serving on a five-member board on July 1, 2008, serves out the term  
4 and is reelected after July 1, 2008, the new term shall be for four  
5 (4) years.

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

9 A. School district board of education members may be recalled  
10 and removed from office in a special election held for that purpose  
11 which shall be called upon submission of a petition to the secretary  
12 of the county election board.

13 B. A petition requesting the recall election of a member of the  
14 board of education of a school district shall be signed by twenty-  
15 five percent (25%) of the school district electors in the school  
16 district, the percentage being applied to the highest number of  
17 voters voting in a regular school district election in the district  
18 in the preceding five (5) years as determined by the secretary of  
19 the county election board, who shall certify the adequacy of the  
20 number of signatures on the petition.

21 C. In any school district where the electors of each board  
22 district, rather than the electors of the entire school district,  
23 elect board members to represent that board district, a special  
24 election shall be called upon submission of a petition to the

1 secretary of the county election board requesting the recall  
2 election and signed by twenty-five percent (25%) of the electors in  
3 the board district where the recall election is requested.

4 D. Recall elections held pursuant to this section shall be  
5 conducted in the same manner as the election of members of the board  
6 of education for a school district. If a member of the board of  
7 education of a school district is recalled after a special election  
8 conducted for that purpose, the office shall become vacant and the  
9 vacancy shall be filled as provided in Section 13A-110 of Title 26  
10 of the Oklahoma Statutes.

11 SECTION 3. This act shall become effective July 1, 2008.

12 SECTION 4. It being immediately necessary for the preservation  
13 of the public peace, health and safety, an emergency is hereby  
14 declared to exist, by reason whereof this act shall take effect and  
15 be in full force from and after its passage and approval.

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