

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 1532

6 By: Jolley

7 COMMITTEE SUBSTITUTE

8 [ school elections - changing election dates - term  
9 of office of board members - effective date -  
10 emergency ]

11  
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 26 O.S. 2011, Section 13A-103, is  
14 amended to read as follows:

15 Section 13A-103. A. The general election of members of the  
16 board of education of every school district and technology center  
17 school district shall be conducted on the second Tuesday ~~in February~~  
18 ~~of each year, except in any year when a Presidential Preferential~~  
19 ~~Primary is held in February, then the election shall be held on the~~  
20 ~~same day as the Presidential Preferential Primary~~ of November in  
21 odd-numbered years.

22 ~~If no candidate receives more than fifty percent (50%) of the~~  
23 ~~votes cast in the election provided for in this subsection, an~~  
24 ~~election between the two candidates with the highest number of votes~~

1 three or more candidates file declarations of candidacy for an  
2 office for the general election, then a primary election shall be  
3 conducted on the ~~first~~ second Tuesday in ~~April~~ of August ~~that year~~  
4 preceding the general election. The two candidates receiving the  
5 most votes in the primary election shall be placed on the ballot for  
6 the general election.

7 B. Elections on the question of making a levy or levies for  
8 schools under Section 9, Section 9B or Section 10 of Article X of  
9 the Oklahoma Constitution shall be held on the second Tuesday in  
10 February of each year, except in any year when a Presidential  
11 Preferential Primary is held in February, then the election shall be  
12 held on the same day as the Presidential Preferential Primary.

13 C. The board of education of every school district or  
14 technology center school district may call a special election for  
15 the purpose of voting on any matter or question authorized by law.

16 SECTION 2. AMENDATORY 26 O.S. 2011, Section 13A-105, is  
17 amended to read as follows:

18 Section 13A-105. Candidates for member of the board of  
19 education of every school district or technology center school  
20 district shall file declarations of candidacy in the same place and  
21 with the same officials as candidates for county office. The  
22 declaration of candidacy to be signed by the candidate shall have an  
23 attachment to be signed by the candidate listing the requirements of  
24 a candidate for election or reelection to a school board as set

1 forth in Sections 13A-106 and 5-105a of this title and Sections 5-  
 2 110, 5-110.1, and 5-113 of Title 70 of the Oklahoma Statutes, and  
 3 the candidate shall swear or affirm that he or she is eligible to  
 4 run for the office or serve in the office if elected. Candidates  
 5 shall file on the ~~first Monday in December~~ second Wednesday of April  
 6 through the following ~~Wednesday~~ Friday. For school districts and  
 7 technology center school districts located in more than one county,  
 8 filing may be either in the county wherein supervision of the  
 9 district is located or in the county where the candidate resides.

10 SECTION 3. AMENDATORY 70 O.S. 2011, Section 5-107A, is  
 11 amended to read as follows:

12 Section 5-107A. The following provisions and the provisions of  
 13 Section 13A-101 et seq. of Title 26 of the Oklahoma Statutes shall  
 14 govern the election of members of the board of education for a  
 15 school district:

16 A. For purposes of this section, temporary positions added to a  
 17 board of education pursuant to Section 7-101 or 7-105 of this title  
 18 and the chair of the board of education elected pursuant to Section  
 19 ~~±~~ 5-107B of this ~~act~~ title shall not be considered in determining  
 20 the size of the board. The number and term of each board of  
 21 education shall be as follows:

District	Members	Term (Years)
Elementary	3	<del>3</del> <u>4</u>
Independent		

1 1. Districts having a five-member  
2 board 5 ~~5~~ 4

3 2. Districts having a seven-  
4 member board unless an  
5 election is conducted  
6 pursuant to subsection C of  
7 this section 7 4

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

10 1. a. Between August 1 and December 31 of the year following  
11 the submission by the United States Department of  
12 Commerce to the President of the United States of the  
13 official Federal Decennial Census, the board of  
14 education shall reapportion the territory of the  
15 school district into board districts. Beginning with  
16 the reapportionment following the 1990 Federal  
17 Decennial Census, all boundaries of board districts  
18 shall follow clearly visible, definable and observable  
19 physical boundaries which are based upon criteria  
20 established and recognized by the Bureau of the Census  
21 of the United States Department of Commerce for  
22 purposes of defining census blocks for its decennial  
23 census and shall follow, as much as is possible,  
24 precinct boundaries. Board districts shall be

1 compact, contiguous and shall be as equal in  
2 population as practical with not more than a ten  
3 percent (10%) variance between the most populous and  
4 least populous board districts.

5 b. School districts having fewer than one thousand eight  
6 hundred (1,800) students in average daily membership  
7 during the preceding school year may choose not to  
8 establish board districts and may nominate and elect  
9 all board members at large.

10 c. Elementary school districts shall have board members  
11 elected at large.

12 d. ~~A~~ If a city is located in an independent school  
13 district having four or more wards and an outlying  
14 area with such outlying area comprising no more than  
15 twenty percent (20%) of the population of such  
16 independent school district, then such independent  
17 school district may adopt such wards and outlying area  
18 in lieu of the board districts provided for in  
19 subparagraph a of this paragraph, and at least one  
20 member of the board of education of such independent  
21 school district shall be a member of each ward; and

22 2. One member of the board of education shall be elected by the  
23 electors of the school district to represent each such board  
24 district. Provided, however, that in any school district where the

1 electors of each board district, rather than the electors of the  
2 entire school district, elect board members to represent that board  
3 district, that district shall elect board members in that manner.

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

9 3. In a school district having more than ten thousand (10,000)  
10 children in average daily membership, the following provision and  
11 the provisions of Section 13A-101 et seq. of Title 26 of the  
12 Oklahoma Statutes shall control as to election of the members of the  
13 school district's board of education:

14 a. There shall be held an election in which the electors  
15 of each board district in which a term is expiring or  
16 in which a vacancy exists shall select ~~two~~ candidates  
17 from among the candidates for board member to  
18 represent the board district,

19 b. ~~If, in the election, one candidate has a majority of~~  
20 ~~all votes cast, then a run-off election is not~~  
21 ~~required.~~ If no candidate receives a majority of all  
22 votes cast, then the two candidates receiving the  
23 greatest number of votes shall become the candidates  
24 for the board district in the general election, ~~and~~

1           ~~e. At the run-off election, all of the electors of the~~  
2           ~~board district shall select one of the two candidates~~  
3           ~~as the member of the board of education representing~~  
4           ~~the board district.~~

5           C. Any seven-member board shall have the option of reducing its  
6 board to a five-member board either after approval of a board  
7 resolution or a vote of the electors of the school district to take  
8 such action pursuant to Section 13A-109 of Title 26 of the Oklahoma  
9 Statutes. The election pursuant to a vote of the electors of the  
10 school district shall be called upon the submission of a petition  
11 requesting the election signed by ten percent (10%) of the school  
12 district electors in the school district, the percentage being  
13 applied to the highest number of voters voting in a regular school  
14 district election in the district in the preceding five (5) years as  
15 determined by the secretary of the county election board, who shall  
16 certify the adequacy of the number of signatures on the petition.  
17 If the question is put before the voters of the district, such  
18 election shall be held along with and at the same time and place as  
19 the next school election if all requirements of Section 13A-101 et  
20 seq. of Title 26 of the Oklahoma Statutes for such election are met.

21           After such resolution or election, the board shall reapportion  
22 the district, determining by resolution or by lot which board member  
23 offices shall be abolished at the end of the current board member's  
24 term and which shall become one of the offices of the new board.

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

4 ~~School board members currently serving in offices abolished~~  
5 ~~pursuant to this subsection shall continue serving until the end of~~  
6 ~~their current terms as at-large members.~~

7 D. Except for the chair of the board of education elected  
8 pursuant to Section ~~4~~ 5-107B of this ~~act~~ title, offices of members  
9 of the board of education shall be designated by consecutive numbers  
10 and shall correspond with board districts when applicable.

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

16 Office No. 1 ————— 1991

17 Office No. 2 ————— 1992

18 Office No. 3 ————— 1993

19 Office No. 4 ————— 1994

20 Office No. 5 ————— 1995

21 ~~The terms of office of the members of a seven-member board of~~  
22 ~~education shall be staggered, with one member being elected in 1991,~~  
23 ~~two members being elected in 1992, two members being elected in 1993~~  
24 ~~and two members being elected in 1994 and shall commence on the~~

1 ~~first regular, special or emergency school board meeting after the~~  
2 ~~date of the annual school election and after the member has been~~  
3 ~~certified as elected; provided, in districts needing to elect two~~  
4 ~~members in 1991 to maintain a full complement of board members, two~~  
5 ~~members shall be elected in 1991, one for a full term and one for a~~  
6 ~~one-year term, as determined by the local board. If a seven-member~~  
7 ~~board is formed upon consolidation pursuant to Section 7-105 of this~~  
8 ~~title, or upon annexation pursuant to Section 7-101 of this title,~~  
9 ~~the formation agreement shall specify initial short terms as~~  
10 ~~necessary to extend until the beginning of the regular terms for~~  
11 ~~seven-member boards established herein.~~

12 ~~Upon reduction of a seven-member board pursuant to subsection C~~  
13 ~~of this section, the terms of the five-member board shall be~~  
14 ~~staggered pursuant to this subsection.~~

15 ~~One member of a three-member board of education shall be elected~~  
16 ~~each year, and the terms of office shall commence on the first~~  
17 ~~regular, special or emergency school board meeting after the member~~  
18 ~~has been certified as elected.~~

19 ~~F.~~ The term of office of each board member elected after July  
20 ~~1, 1992~~ July 1, 2011, shall commence on the first regular, special  
21 or emergency school board meeting after the date of the annual  
22 school election and after the member has been certified as elected.  
23 ~~Board~~ Any board members elected prior to ~~July 1, 1992~~ July 1, 2012,  
24 whose term of office was changed due to a change in election dates,

1 may ~~remain in office until their successor is elected and seated~~  
2 ~~pursuant to Sections 13A-101 through 13A-111 of Title 26 of the~~  
3 ~~Oklahoma Statutes. The remaining term of any member who completes~~  
4 complete the term for which the member was elected ~~but not wishing~~  
5 ~~to serve until the successor of the member takes office on the first~~  
6 ~~regular, special or emergency school board meeting after the~~  
7 ~~successor has been certified as elected, shall be filled by~~  
8 ~~appointment by the remaining members of the board of education~~ as an  
9 at-large member.

10 SECTION 4. This act shall become effective July 1, 2012.

11 SECTION 5. It being immediately necessary for the preservation  
12 of the public peace, health and safety, an emergency is hereby  
13 declared to exist, by reason whereof this act shall take effect and  
14 be in full force from and after its passage and approval.

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