

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 1532

6 By: Jolley

7 COMMITTEE SUBSTITUTE

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

11 emergency]

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	3 <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. AMENDATORY 26 O.S. 2011, Section 12-106, is
11 amended to read as follows:

12 Section 12-106. A. Whenever a vacancy shall occur in the
13 office of a member of the State Senate or the State House of
14 Representatives, the vacancy shall be filled at a Special Election
15 to be called by the Governor within thirty (30) days after the
16 vacancy occurs; provided, no special election shall be called if the
17 vacancy occurs ~~after March 1 of any~~ in an even-numbered year if the
18 term of the office expires the same year.

19 B. If in an even-numbered year an incumbent State Senator with
20 two (2) or more years remaining in the term for which elected shall
21 file with the Oklahoma Secretary of State before ~~April 1~~ March 1 a
22 resignation in writing which states that the resignation will not
23 become effective immediately, but rather will become effective on
24 some date certain that is after the General Election but before the

1 convening of the next session of the Legislature, the vacancy shall
2 be filled by a special election which shall be held in that even-
3 numbered year on the same dates as the regular Primary Election,
4 Runoff Primary Election and General Election. The filing period for
5 the special election shall be the regular filing period prescribed
6 in Section 5-110 of this title. The person elected in the General
7 Election of the special election shall take office on the date the
8 resignation of the incumbent becomes effective and shall serve the
9 remainder of the unexpired term.

10 SECTION 5. AMENDATORY 26 O.S. 2011, Section 12-111, is
11 amended to read as follows:

12 Section 12-111. A. Whenever a vacancy shall occur in the
13 office of a county commissioner, the vacancy shall be filled at a
14 special election to be called by the Governor within thirty (30)
15 days after the vacancy occurs. Provided, no special election shall
16 be called if the vacancy occurs ~~after March 1 of any~~ in an even-
17 numbered year if the term of the office expires the following year.
18 In such case, the candidate elected to the office at the Primary
19 Election, runoff Primary Election, or the regular General Election
20 shall be appointed by the Governor as soon as practical after the
21 applicable election to fill the unexpired term.

22 B. Whenever a vacancy shall occur in any elective county office
23 of any county in this state having a population of more than the
24 population figure specified in subsection B of Section 10 of Title

1 51 of the Oklahoma Statutes, the vacancy shall be filled at a
2 special election to be called by the Governor within thirty (30)
3 days after the vacancy occurs. Provided, no special election shall
4 be called if the vacancy occurs ~~after March 1 of any~~ in an even-
5 numbered year if the term of the office expires the following year.
6 In such case, the candidate elected to the office at the Primary
7 Election, runoff Primary Election, or the regular General Election
8 shall be appointed by the Governor as soon as practical after the
9 applicable election to fill the unexpired term.

10 SECTION 6. This act shall become effective July 1, 2012.

11 SECTION 7. 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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