STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL 223 By: Ballenger

COMMITTEE SUBSTITUTE

An Act relating to free fair associations; amending 2 O.S. 2011, Section 15-68, which relates to boards of directors; modifying terms of office; deleting election procedures; providing for transition to new terms of office; specifying duty of county commissioners; requiring elections for members of boards of directors to be conducted by county election boards and providing procedures; providing for declarations of candidacy, names to appear on ballots and election dates; specifying procedures in event of vacancy; prohibiting certain statutory construction; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 2 O.S. 2011, Section 15-68, is amended to read as follows:

Section 15-68. A. There is hereby constituted a board of directors for the free fair association.

B. ~~1.~~ The ~~Board of Directors~~ board of directors shall be composed of nine (9) members, who shall be elected ~~by written ballot~~ for a term of ~~three (3) years~~ four (4) years. Three members shall

be elected from each county commissioner's district of the counties~~, at a public meeting or convention of the qualified electors of each of the commissioner's district in the counties~~ as provided in Sections 2 through 5 of this act.

~~2. A qualified elector shall be a registered voter of the county and may only vote for the board members from the district in which the elector resides. The county commissioner holding the election may request proof of residency and a voter registration card of the county to qualify electors.~~

~~3. The board of county commissioners shall include in the publication notice of the election the requirements to be a qualified voter. Notice of which election shall be given by publication in a newspaper published in each of the counties, for ten (10) days before the election. Notice of the filing period for the elections shall be given in a newspaper published in the county, published one time at least ten (10) days before the filing period for the election.~~

~~C. The board of county commissioners shall, by resolution, set forth the following conditions concerning the election:~~

~~1. The filing period shall consist of five (5) consecutive business days and commence in January;~~

~~2. The date and time when the filing period will commence and end;~~

~~3. The date, time and place of the election;~~

~~4. Only registered voters of the county are eligible to file as a candidate;~~

~~5. Any person so filing must reside in the commissioner's district or city they seek to represent;~~

~~6. Prospective candidates must file with the county clerk; and~~

~~7. The board of county commissioners shall prescribe a form to be used by prospective candidates filing for the position of director of the fair board association.~~

~~D. 1. The date of the election for the fair association board of directors shall be no later than three (3) weeks from the date of the final day of the filing period. If there is only one candidate for any of the commissioners' districts, the commissioners may cancel the election with notice being given by publication and posting at least ten (10) days prior to the election date previously established and the candidate shall be deemed to be elected.~~

~~2. In the event there is no candidate for the election to the fair association board of directors, the county commissioners shall appoint a director for each position for which no candidates have filed by the close of the filing period. The appointment or appointments will be announced no later than two (2) weeks from the closing of the filing period.~~

~~3. When a director is unable to fulfill the term to which the director has been elected to serve, for any reason, the board of county commissioners shall appoint the successor.~~

~~E. 1. At the election there shall be elected from each commissioner's district three persons who are qualified electors of the district, as directors of the association, who shall serve for a term of three (3) years, and until their successors are elected or appointed and qualified.~~

~~2. The commissioner or commissioner's designee shall preside at the meeting and the voting may be viva voce, or otherwise, as may at the meeting be determined by the electors there assembled.~~

~~3. The commissioner or commissioner's designee presiding at the meeting shall have the authority to appoint a secretary of the meeting. The commissioner and secretary shall certify to the county clerk of each of the counties the names of the directors elected, and the county clerk shall keep a record thereof and shall issue to each person elected a certificate of election.~~

~~F. When a tie vote occurs in the election of a fair association board of directors, the commissioner or commissioner's designee shall select the candidate by lot pursuant to the procedures set forth in Section 8-105 of Title 26 of the Oklahoma Statutes.~~

~~G.~~ C. 1. The directors so elected shall meet at the next regularly scheduled monthly meeting immediately following the elections at the regular meeting place of the counties for the purpose of organization, and shall elect a president, a vice-president, a secretary and a treasurer; provided, that the secretary need not be a member of the board of directors.

2. The treasurer shall furnish a surety bond executed with a qualified surety company doing business in this state, in such amount as the directors of the board may determine to be necessary to indemnify against any loss which may arise by reason of failure to perform the necessary duties of the office or other misconduct in office for which the director shall be held liable.

~~H.~~ D. Meetings of the directors may be called by the president of the board or fixed by the board at any time convenient. ~~However, the first election held under this section shall be on the first Saturday of June, and the board so elected at the election shall meet for organization purposes on the second Saturday of June of such year.~~

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 15-68.1 of Title 2, unless there is created a duplication in numbering, reads as follows:

Within each county commissioner's district, the term of one person serving as a member of a board of directors of a free fair association on January 1, 2013, is hereby extended until December 31, 2014, and the terms of two people so serving are hereby extended until December 31, 2016. The county commissioner in office on January 1, 2013, shall designate in writing the members whose terms are to be extended and shall file such designation with the county clerk. In the 2014 regular election cycle and in the regular election cycle every four (4) years thereafter, one person shall be

elected from each county commissioner's district for a four-year term to begin January 1 of the year following the year of the election, whose position shall be designated as office #1. In the 2016 regular election cycle and in the regular election cycle every four (4) years thereafter, two people shall be elected from each county commissioner's district for four-year terms to begin January 1 of the year following the year of the election, whose positions shall be designated as office #2 and office #3.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 15-68.2 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. Elections for members of the board of directors of a free fair association shall be conducted by the county election board in the same manner as elections for other county offices; provided, such elections shall be conducted on a nonpartisan basis.

B. Candidates for board of directors shall file a declaration of candidacy with the secretary of the county election board as provided in Section 5-103 of Title 26 of the Oklahoma Statutes but shall not declare a party affiliation. Declarations of candidacy shall be filed during the period specified in Section 5-110 of Title 26 of the Oklahoma Statutes. In order to file as a candidate, a person must have been a registered voter within the county commissioner district of the office sought for the six-month period immediately preceding the first day of the filing period prescribed

by law and, under oath, so state. Notwithstanding the provisions of Section 5-112 of Title 26 of the Oklahoma Statutes, there shall be no fee, or petition required to file a declaration of candidacy for the office.

C. 1. If no candidate qualifies to have his or her name appear on the ballot as provided by law, the office shall be deemed vacant as of the date set forth in Section 2 of this act for the start of the term of office and shall be filled as provided in Section 4 of this act.

2. If only one candidate qualifies to have his or her name appear on the ballot for the office as provided by law, the candidate shall be deemed elected.

3. If two candidates qualify to have their names appear on the ballot for the office as provided by law, the names of the candidates shall appear on the General Election ballot.

4. If more than two candidates qualify to have their names appear on the ballot for the office as provided by law, the names of all the candidates shall appear on the Primary Election ballot. If no single candidate receives more than fifty percent (50%) of the votes cast at the Primary Election, the names of the two candidates receiving the highest number of votes at the Primary Election shall appear on the General Election ballot.

D. The General Election and the Primary Election shall be held on the dates set forth in Sections 1-101 and 1-102 of Title 26 of the Oklahoma Statutes.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 15-68.3 of Title 2, unless there is created a duplication in numbering, reads as follows:

In the event of a vacancy in the office of board of directors of a free fair association, the board of county commissioners shall appoint a person to serve in the position for the remainder of the unexpired term.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 15-68.4 of Title 2, unless there is created a duplication in numbering, reads as follows:

The provisions of Sections 2 through 4 of this act shall not be construed to prohibit a county free fair association from being converted into a similar fair association as provided in Section 15-111 et seq. of Title 2 of the Oklahoma Statutes.

SECTION 6. This act shall become effective January 1, 2013.

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