



1 109, which relates to the eligibility of becoming a  
2 candidate for partisan primary election; modifying  
3 dates of filing; amending 11 O.S. 2011, Section 16-  
4 110, which relates to nonpartisan candidates for  
5 municipal elections; changing dates for filing;  
6 providing an effective date; and declaring an  
7 emergency.

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

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

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

18 ~~If no candidate receives more than fifty percent (50%) of the~~  
19 ~~votes cast in the election provided for in this subsection, an~~  
20 ~~election between the two candidates with the highest number of votes~~  
21 three or more candidates file declarations of candidacy for an  
22 office for the general election, then a primary election shall be  
23 conducted on the ~~first~~ second Tuesday in ~~April of that year~~ August  
24 preceding the general election. The two candidates receiving the

1 most votes in the primary election shall be placed on the ballot for  
2 the general election.

3 B. Elections on the question of making a levy or levies for  
4 schools under Section 9, Section 9B or Section 10 of Article X of  
5 the Oklahoma Constitution shall be held on the second Tuesday ~~in~~  
6 ~~February of each year, except in any year when a Presidential~~  
7 ~~Preferential Primary is held in February, then the election shall be~~  
8 ~~held on the same day as the Presidential Preferential Primary of~~  
9 November in odd-numbered years.

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

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

15 Section 13A-105. Candidates for member of the board of  
16 education of every school district or technology center school  
17 district shall file declarations of candidacy in the same place and  
18 with the same officials as candidates for county office. The  
19 declaration of candidacy to be signed by the candidate shall have an  
20 attachment to be signed by the candidate listing the requirements of  
21 a candidate for election or reelection to a school board as set  
22 forth in Sections 13A-106 and 5-105a of this title and Sections 5-  
23 110, 5-110.1, and 5-113 of Title 70 of the Oklahoma Statutes, and

1 the candidate shall swear or affirm that he or she is eligible to  
2 run for the office or serve in the office if elected. Candidates  
3 shall file on the first Monday in ~~December~~ June through the  
4 following Wednesday. For school districts and technology center  
5 school districts located in more than one county, filing may be  
6 either in the county wherein supervision of the district is located  
7 or in the county where the candidate resides.

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

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

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

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

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

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,

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

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

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

13 d. ~~A~~ If a city is located in an independent school  
14 district having four or more wards and an outlying  
15 area with such outlying area comprising no more than  
16 twenty percent (20%) of the population of such  
17 independent school district, then such independent  
18 school district may adopt such wards and outlying area  
19 in lieu of the board districts provided for in  
20 subparagraph a of this paragraph, and at least one  
21 member of the board of education of such independent  
22 school district shall be a member of each ward; and  
23  
24

1           2. One member of the board of education shall be elected by the  
2 electors of the school district to represent each such board  
3 district. Provided, however, that in any school district where the  
4 electors of each board district, rather than the electors of the  
5 entire school district, elect board members to represent that board  
6 district, that district shall elect board members in that manner.

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

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

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

22           b. ~~If, in the election, one candidate has a majority of~~  
23               ~~all votes cast, then a run-off election is not~~

1           ~~required.~~ If no candidate receives a majority of all  
2           votes cast, then the two candidates receiving the  
3           greatest number of votes shall become the candidates  
4           for the board district in the general election, ~~and~~  
5           e. ~~At the run-off election, all of the electors of the~~  
6           ~~board district shall select one of the two candidates~~  
7           ~~as the member of the board of education representing~~  
8           ~~the board district.~~

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

1 the next school election if all requirements of Section 13A-101 et  
2 seq. of Title 26 of the Oklahoma Statutes for such election are met.

3 After such resolution or election, the board shall reapportion  
4 the district, determining by resolution or by lot which board member  
5 offices shall be abolished at the end of the current board member's  
6 term and which shall become one of the offices of the new board.

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

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

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

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

22 Office No. ~~1~~ 1991

23 Office No. ~~2~~ 1992

1           ~~Office No. 3           1993~~

2           ~~Office No. 4           1994~~

3           ~~Office No. 5           1995~~

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

19           ~~Upon reduction of a seven-member board pursuant to subsection C~~  
20 ~~of this section, the terms of the five-member board shall be~~  
21 ~~staggered pursuant to this subsection.~~

22           ~~One member of a three-member board of education shall be elected~~  
23 ~~each year, and the terms of office shall commence on the first~~

1 ~~regular, special or emergency school board meeting after the member~~  
2 ~~has been certified as elected.~~

3 F. The term of office of each board member elected after ~~July~~  
4 ~~1, 1992~~ July 1, 2011, shall commence on the first regular, special  
5 or emergency school board meeting after the date of the annual  
6 school election and after the member has been certified as elected.

7 ~~Board members~~ Any board member elected prior to ~~July 1, 1992~~ July 1,  
8 2012, whose term of office was changed due to a change in election  
9 dates, may ~~remain in office until their successor is elected and~~  
10 ~~seated pursuant to Sections 13A-101 through 13A-111 of Title 26 of~~  
11 ~~the Oklahoma Statutes. The remaining term of any member who~~  
12 ~~completes~~ complete the term for which the member was elected ~~but not~~  
13 ~~wishing to serve until the successor of the member takes office on~~  
14 ~~the first regular, special or emergency school board meeting after~~  
15 ~~the successor has been certified as elected,~~ shall be filled by  
16 ~~appointment by the remaining members of the board of education~~ as an  
17 at-large member.

18 SECTION 4. AMENDATORY 26 O.S. 2011, Section 12-106, is  
19 amended to read as follows:

20 Section 12-106. A. Whenever a vacancy shall occur in the  
21 office of a member of the State Senate or the State House of  
22 Representatives, the vacancy shall be filled at a Special Election  
23 to be called by the Governor within thirty (30) days after the  
24

1 vacancy occurs; provided, no special election shall be called if the  
2 vacancy occurs ~~after March 1 of any~~ in an even-numbered year if the  
3 term of the office expires the same year.

4 B. If in an even-numbered year an incumbent State Senator with  
5 two (2) or more years remaining in the term for which elected shall  
6 file with the Oklahoma Secretary of State before ~~April 1~~ March 1 a  
7 resignation in writing which states that the resignation will not  
8 become effective immediately, but rather will become effective on  
9 some date certain that is after the General Election but before the  
10 convening of the next session of the Legislature, the vacancy shall  
11 be filled by a special election which shall be held in that even-  
12 numbered year on the same dates as the regular Primary Election,  
13 Runoff Primary Election and General Election. The filing period for  
14 the special election shall be the regular filing period prescribed  
15 in Section 5-110 of this title. The person elected in the General  
16 Election of the special election shall take office on the date the  
17 resignation of the incumbent becomes effective and shall serve the  
18 remainder of the unexpired term.

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

21 Section 12-111. A. Whenever a vacancy shall occur in the  
22 office of a county commissioner, the vacancy shall be filled at a  
23 special election to be called by the Governor within thirty (30)

24

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

8 B. Whenever a vacancy shall occur in any elective county office  
9 of any county in this state having a population of more than the  
10 population figure specified in subsection B of Section 10 of Title  
11 51 of the Oklahoma Statutes, the vacancy shall be filled at a  
12 special election to be called by the Governor within thirty (30)  
13 days after the vacancy occurs. Provided, no special election shall  
14 be called if the vacancy occurs ~~after March 1 of any~~ in an even-  
15 numbered year if the term of the office expires the following year.  
16 In such case, the candidate elected to the office at the Primary  
17 Election, runoff Primary Election, or the regular General Election  
18 shall be appointed by the Governor as soon as practical after the  
19 applicable election to fill the unexpired term.

20 SECTION 6. AMENDATORY 11 O.S. 2011, Section 16-103, is  
21 amended to read as follows:  
22  
23  
24

1 Section 16-103. General municipal elections shall be held in  
2 cities and towns on the ~~first~~ second Tuesday in ~~April~~ November in  
3 each odd-numbered year.

4 SECTION 7. AMENDATORY 11 O.S. 2011, Section 16-107, is  
5 amended to read as follows:

6 Section 16-107. A primary election shall be held in cities and  
7 towns on the second Tuesday of ~~February~~ August in each odd-numbered  
8 year, at which time the several political parties shall nominate  
9 candidates for offices which are to be elected at the upcoming  
10 general municipal election.

11 SECTION 8. AMENDATORY 11 O.S. 2011, Section 16-109, is  
12 amended to read as follows:

13 Section 16-109. To be eligible to become a candidate for a  
14 political party nomination in a municipality's partisan primary  
15 election, or an independent candidate in such municipality's general  
16 election, a person must for at least six (6) months prior to filing  
17 a declaration of candidacy be a registered voter at an address  
18 within the municipality or in the ward if an office is from a ward.  
19 To become a candidate, a declaration of candidacy must be filed with  
20 the county election board no earlier than 8:00 a.m. on the first  
21 Monday in ~~December~~ June and no later than 5:00 p.m. on the next  
22 succeeding Wednesday.

23

24

1 SECTION 9. AMENDATORY 11 O.S. 2011, Section 16-110, is  
2 amended to read as follows:

3 Section 16-110. A candidate may have his or her name printed  
4 upon the nonpartisan general municipal election ballot as candidate  
5 for any office to be filled at the election. To become a candidate,  
6 a declaration of candidacy must be filed with the county election  
7 board no earlier than 8:00 a.m. on the first Monday in ~~February~~ June  
8 and no later than 5:00 p.m. on the next succeeding Wednesday. A  
9 candidate must also be a registered voter at an address within the  
10 municipality, or of the ward where the office is from a ward for at  
11 least six (6) months prior to filing a declaration of candidacy.  
12 Filing as a candidate in a nonpartisan municipal election or voting  
13 for such candidate shall not affect one's party affiliation or  
14 regularity.

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

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

20  
21 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02/29/2012 - DO PASS,  
22 As Amended and Coauthored.

23

24