

1 **SENATE FLOOR VERSION**

2 February 27, 2012

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 223

By: Ballenger of the Senate

and

Sanders of the House

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

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

23 SECTION 1. AMENDATORY 2 O.S. 2011, Section 15-68, is
24 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~~

1 for a term of ~~three (3) years~~ four (4) years. Three members shall
2 be elected from each county commissioner's district of the counties,
3 ~~at a public meeting or convention of the qualified electors of each~~
4 ~~of the commissioner's district in the counties~~ as provided in
5 Sections 2 through 5 of this act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 ~~G. C.~~ 1. The directors so elected shall meet at the next
23 regularly scheduled monthly meeting immediately following the
24 elections at the regular meeting place of the counties for the

1 purpose of organization, and shall elect a president, a vice-
2 president, a secretary and a treasurer; provided, that the secretary
3 need not be a member of the board of directors.

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

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

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

19 Within each county commissioner's district, the term of one
20 person serving as a member of a board of directors of a free fair
21 association on January 1, 2013, is hereby extended until December
22 31, 2014, and the terms of two people so serving are hereby extended
23 until December 31, 2016. The county commissioner in office on
24 January 1, 2013, shall designate in writing the members whose terms

1 are to be extended and shall file such designation with the county
2 clerk. In the 2014 regular election cycle and in the regular
3 election cycle every four (4) years thereafter, one person shall be
4 elected from each county commissioner's district for a four-year
5 term to begin January 1 of the year following the year of the
6 election, whose position shall be designated as office #1. In the
7 2016 regular election cycle and in the regular election cycle every
8 four (4) years thereafter, two people shall be elected from each
9 county commissioner's district for four-year terms to begin January
10 1 of the year following the year of the election, whose positions
11 shall be designated as office #2 and office #3.

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

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

19 B. Candidates for board of directors shall file a declaration
20 of candidacy with the secretary of the county election board as
21 provided in Section 5-103 of Title 26 of the Oklahoma Statutes but
22 shall not declare a party affiliation. Declarations of candidacy
23 shall be filed during the period specified in Section 5-110 of Title
24 26 of the Oklahoma Statutes. In order to file as a candidate, a

1 person must have been a registered voter within the county
2 commissioner district of the office sought for the six-month period
3 immediately preceding the first day of the filing period prescribed
4 by law and, under oath, so state. Notwithstanding the provisions of
5 Section 5-112 of Title 26 of the Oklahoma Statutes, there shall be
6 no fee, or petition required to file a declaration of candidacy for
7 the office.

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

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

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

19 4. If more than two candidates qualify to have their names
20 appear on the ballot for the office as provided by law, the names of
21 all the candidates shall appear on the Primary Election ballot. If
22 no single candidate receives more than fifty percent (50%) of the
23 votes cast at the Primary Election, the names of the two candidates
24

1 receiving the highest number of votes at the Primary Election shall
2 appear on the General Election ballot.

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

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

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

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

16 The provisions of Sections 2 through 4 of this act shall not be
17 construed to prohibit a county free fair association from being
18 converted into a similar fair association as provided in Section 15-
19 111 et seq. of Title 2 of the Oklahoma Statutes.

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

21 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 2-22-12 - DO PASS, As
22 Amended and Coauthored.

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