

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 1053

By: Roberts (Dustin)

4
5
6 AS INTRODUCED

7 An Act relating to school elections; amending 26 O.S.
8 2001, Section 13A-103, as last amended by Section 1,
9 Chapter 108, O.S.L. 2004 (26 O.S. Supp. 2010, Section
10 13A-103), which relates to election dates; changing
11 election dates for members of the board of education;
12 changing election dates for question of school levy;
13 amending 26 O.S. 2001, Section 13A-105, as amended by
14 Section 7, Chapter 369, O.S.L. 2004 (26 O.S. Supp.
15 2010, Section 13A-105), which relates to the
16 declarations of candidacy by certain candidates;
17 modifying dates of filing; amending 70 O.S. 2001,
18 Section 5-107A, which relates to membership of boards
19 of education of school districts; providing for the
20 term of office of board members elected after certain
21 date; providing for completion of the term of office
22 for certain board members; providing an effective
23 date; and declaring an emergency.

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

SECTION 1. AMENDATORY 26 O.S. 2001, Section 13A-103, as
last amended by Section 1, Chapter 108, O.S.L. 2004 (26 O.S. Supp.
2010, Section 13A-103), is amended to read as follows:

Section 13A-103. A. The election of members of the board of
education of every school district and technology center school
district shall be conducted on the second Tuesday ~~in February of~~

1 ~~each year, except in any year when a Presidential Preferential~~
2 ~~Primary is held in February, then the election shall be held on the~~
3 ~~same day as the Presidential Preferential Primary of November in~~
4 ~~odd-numbered years and the first Tuesday after the first Monday in~~
5 ~~November of any even-numbered year.~~

6 If no candidate receives more than fifty percent (50%) of the
7 votes cast in the election provided for in this subsection, an
8 election between the two candidates with the highest number of votes
9 shall be conducted on the ~~first~~ second Tuesday in ~~April~~ February of
10 ~~that the next 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 B. Elections on the question of making a levy or levies for
14 schools under Section 9, Section 9B or Section 10 of Article X of
15 the Oklahoma Constitution shall be held on the second Tuesday ~~in~~
16 ~~February of each year, except in any year when a Presidential~~
17 ~~Preferential Primary is held in February, then the election shall be~~
18 ~~held on the same day as the Presidential Preferential Primary of~~
19 ~~November in odd-numbered years and the first Tuesday after the first~~
20 ~~Monday in November of any even-numbered year.~~

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

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1 SECTION 2. AMENDATORY 26 O.S. 2001, Section 13A-105, as
2 amended by Section 7, Chapter 369, O.S.L. 2004 (26 O.S. Supp. 2010,
3 Section 13A-105), is amended to read as follows:

4 Section 13A-105. Candidates for member of the board of
5 education of every school district or technology center school
6 district shall file declarations of candidacy in the same place and
7 with the same officials as candidates for county office. The
8 declaration of candidacy to be signed by the candidate shall have an
9 attachment to be signed by the candidate listing the requirements of
10 a candidate for election or reelection to a school board as set
11 forth in Sections 13A-106 and 5-105a of this title and Sections 5-
12 110, 5-110.1, and 5-113 of Title 70 of the Oklahoma Statutes, and
13 the candidate shall swear or affirm that he or she is eligible to
14 run for the office or serve in the office if elected. Candidates
15 shall file on the first Monday in ~~December~~ August through the
16 following Wednesday. For school districts and technology center
17 school districts located in more than one county, filing may be
18 either in the county wherein supervision of the district is located
19 or in the county where the candidate resides.

20 SECTION 3. AMENDATORY 70 O.S. 2001, Section 5-107A, is
21 amended to read as follows:

22 Section 5-107A. The following provisions and the provisions of
23 Section 13A-101 et seq. of Title 26 of the Oklahoma Statutes shall
24

1 govern the election of members of the board of education for a
2 school district:

3 A. For purposes of this section, temporary positions added to a
4 board of education pursuant to Section 7-101 or 7-105 of this title
5 and the chair of the board of education elected pursuant to Section
6 ~~±~~ 5-107B of this ~~act~~ title shall not be considered in determining
7 the size of the board. The number and term of each board of
8 education shall be as follows:

9	District	Members	Term (Years)
10	Elementary	3	3
11	Independent		
12	1. Districts having a five-member		
13	board	5	5
14	2. Districts having a seven-		
15	member board unless an		
16	election is conducted		
17	pursuant to subsection C of		
18	this section	7	4

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

21 1. a. Between August 1 and December 31 of the year following
22 the submission by the United States Department of
23 Commerce to the President of the United States of the
24 official Federal Decennial Census, the board of

1 education shall reapportion the territory of the
2 school district into board districts. Beginning with
3 the reapportionment following the 1990 Federal
4 Decennial Census, all boundaries of board districts
5 shall follow clearly visible, definable and observable
6 physical boundaries which are based upon criteria
7 established and recognized by the Bureau of the Census
8 of the United States Department of Commerce for
9 purposes of defining census blocks for its decennial
10 census and shall follow, as much as is possible,
11 precinct boundaries. Board districts shall be
12 compact, contiguous and shall be as equal in
13 population as practical with not more than a ten
14 percent (10%) variance between the most populous and
15 least populous board districts.

16 b. School districts having fewer than one thousand eight
17 hundred (1,800) students in average daily membership
18 during the preceding school year may choose not to
19 establish board districts and may nominate and elect
20 all board members at large.

21 c. Elementary school districts shall have board members
22 elected at large.

23 d. A city located in an independent school district
24 having four or more wards and an outlying area with

1 such outlying area comprising no more than twenty
2 percent (20%) of the population of such independent
3 school district, then such independent school district
4 may adopt such wards and outlying area in lieu of the
5 board districts provided for in subparagraph a of this
6 paragraph, and at least one member of the board of
7 education of such independent school district shall be
8 a member of each ward; and

9 2. One member of the board of education shall be elected by the
10 electors of the school district to represent each such board
11 district. Provided, however, that in any school district where the
12 electors of each board district, rather than the electors of the
13 entire school district, elect board members to represent that board
14 district, that district shall elect board members in that manner.

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

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

1 a. There shall be held an election in which the electors
2 of each board district in which a term is expiring or
3 in which a vacancy exists shall select two candidates
4 from among the candidates for board member to
5 represent the board district,

6 b. If, in the election, one candidate has a majority of
7 all votes cast, then a run-off election is not
8 required. If no candidate receives a majority of all
9 votes cast, then the two candidates receiving the
10 greatest number of votes shall become the candidates
11 for the board district in the general election, and

12 c. At the run-off election, all of the electors of the
13 board district shall select one of the two candidates
14 as the member of the board of education representing
15 the board district.

16 C. Any seven-member board shall have the option of reducing its
17 board to a five-member board either after approval of a board
18 resolution or a vote of the electors of the school district to take
19 such action pursuant to Section 13A-109 of Title 26 of the Oklahoma
20 Statutes. The election pursuant to a vote of the electors of the
21 school district shall be called upon the submission of a petition
22 requesting the election signed by ten percent (10%) of the school
23 district electors in the school district, the percentage being
24 applied to the highest number of voters voting in a regular school

1 district election in the district in the preceding five (5) years as
2 determined by the secretary of the county election board, who shall
3 certify the adequacy of the number of signatures on the petition.

4 If the question is put before the voters of the district, such
5 election shall be held along with and at the same time and place as
6 the next school election if all requirements of Section 13A-101 et
7 seq. of Title 26 of the Oklahoma Statutes for such election are met.

8 After such resolution or election, the board shall reapportion
9 the district, determining by resolution or by lot which board member
10 offices shall be abolished at the end of the current board member's
11 term and which shall become one of the offices of the new board.

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

15 School board members currently serving in offices abolished
16 pursuant to this subsection shall continue serving until the end of
17 their current terms as at-large members.

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

22 E. Except for those members elected prior to July 1, 1992, the
23 terms of office of the members of a five-member board of education
24 shall commence on the first regular, special or emergency school

1 board meeting after the date of the annual school election and after
2 the member has been certified as elected:

- 3 Office No. 1 1991
- 4 Office No. 2 1992
- 5 Office No. 3 1993
- 6 Office No. 4 1994
- 7 Office No. 5 1995

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

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1 Upon reduction of a seven-member board pursuant to subsection C
2 of this section, the terms of the five-member board shall be
3 staggered pursuant to this subsection.

4 One member of a three-member board of education shall be elected
5 each year, and the terms of office shall commence on the first
6 regular, special or emergency school board meeting after the member
7 has been certified as elected.

8 F. The term of office of each board member elected after July
9 1, ~~1992~~ 2011, shall commence on the first regular, special or
10 emergency school board meeting after the date of the annual school
11 election and after the member has been certified as elected. ~~Board~~
12 Any board members elected prior to July 1, ~~1992~~ 2011, whose term of
13 office was shortened due to a change in election dates, may remain
14 ~~in office until their successor is elected and seated pursuant to~~
15 ~~Sections 13A-101 through 13A-111 of Title 26 of the Oklahoma~~
16 ~~Statutes. The remaining term of any member who completes complete~~
17 ~~the term for which the member was elected but not wishing to serve~~
18 ~~until the successor of the member takes office on the first regular,~~
19 ~~special or emergency school board meeting after the successor has~~
20 ~~been certified as elected, shall be filled by appointment by the~~
21 ~~remaining members of the board of education as an at-large member.~~

22 SECTION 4. This act shall become effective July 1, 2011.

23 SECTION 5. It being immediately necessary for the preservation
24 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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