

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3088

By: Nelson

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5
6 AS INTRODUCED

7
8 An Act relating to school administration; amending 26
9 O.S. 2011, Section 13A-103, which relates to election
10 dates; changing election dates for members of the
11 board of education; changing election dates for
12 question of school levy; amending 26 O.S. 2011,
13 Section 13A-105, which relates to the declarations of
14 candidacy by certain candidates; modifying dates of
15 filing; amending 51 O.S. 2011, Section 91, which
16 relates to officers subject to removal; adding school
17 district officers; clarifying language; amending 70
18 O.S. 2011, Section 5-107A, which relates to
19 membership of boards of education of school
20 districts; providing for the term of office of board
21 members elected after certain date; providing for
22 completion of the term of office for certain board
23 members; requiring school board members and
24 administrators to disclose receiving a thing of value
from certain persons; requiring the member or
administrator to file a written report; requiring
report to be filed in certain office and posted on
the school district Internet website; defining terms;
providing for codification; providing an effective
date; and declaring an emergency.

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

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

1 Section 13A-103. A. The election of members of the board of
2 education of every school district and technology center school
3 district shall be conducted on the second Tuesday ~~in February of~~
4 ~~each year, except in any year when a Presidential Preferential~~
5 ~~Primary is held in February, then the election shall be held on the~~
6 ~~same day as the Presidential Preferential Primary~~ of November in
7 odd-numbered years and the first Tuesday after the first Monday in
8 November of any even-numbered year.

9 If no candidate receives more than fifty percent (50%) of the
10 votes cast in the election provided for in this subsection, an
11 election between the two candidates with the highest number of votes
12 shall be conducted on the ~~first~~ second Tuesday in ~~April~~ February of
13 ~~that~~ the next year, except in any year when a Presidential
14 Preferential Primary is held in February, then the election shall be
15 held on the same day as the Presidential Preferential Primary.

16 B. Elections on the question of making a levy or levies for
17 schools under Section 9, Section 9B or Section 10 of Article X of
18 the Oklahoma Constitution shall be held on the second Tuesday ~~in~~
19 ~~February of each year, except in any year when a Presidential~~
20 ~~Preferential Primary is held in February, then the election shall be~~
21 ~~held on the same day as the Presidential Preferential Primary~~ of
22 November in odd-numbered years and the first Tuesday after the first
23 Monday in November of any even-numbered year.

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

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

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

22 SECTION 3. AMENDATORY 51 O.S. 2011, Section 91, is
23 amended to read as follows:

1 Section 91. All state officers not subject to impeachment under
2 Section 1, Article 8 of the Constitution, and all county, city ~~and,~~
3 municipal and school district officers may, in addition to the
4 methods now and causes provided by law, be removed from office as
5 ~~herein~~ provided in Sections 92 through 105 of this title.

6 SECTION 4. AMENDATORY 70 O.S. 2011, Section 5-107A, is
7 amended to read as follows:

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

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

18	District	Members	Term (Years)
19	Elementary	3	3
20	Independent		
21	1. Districts having a five-member		
22	board	5	5
23	2. Districts having a seven-		
24	member board unless an		

1 election is conducted
2 pursuant to subsection C of
3 this section 7 4

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

- 6 1. a. Between August 1 and December 31 of the year following
7 the submission by the United States Department of
8 Commerce to the President of the United States of the
9 official Federal Decennial Census, the board of
10 education shall reapportion the territory of the
11 school district into board districts. Beginning with
12 the reapportionment following the 1990 Federal
13 Decennial Census, all boundaries of board districts
14 shall follow clearly visible, definable and observable
15 physical boundaries which are based upon criteria
16 established and recognized by the Bureau of the Census
17 of the United States Department of Commerce for
18 purposes of defining census blocks for its decennial
19 census and shall follow, as much as is possible,
20 precinct boundaries. Board districts shall be
21 compact, contiguous and shall be as equal in
22 population as practical with not more than a ten
23 percent (10%) variance between the most populous and
24 least populous board districts.

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

6 c. Elementary school districts shall have board members
7 elected at large.

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

18 2. One member of the board of education shall be elected by the
19 electors of the school district to represent each such board
20 district. Provided, however, that in any school district where the
21 electors of each board district, rather than the electors of the
22 entire school district, elect board members to represent that board
23 district, that district shall elect board members in that manner.

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

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

11 a. There shall be held an election in which the electors
12 of each board district in which a term is expiring or
13 in which a vacancy exists shall select two candidates
14 from among the candidates for board member to
15 represent the board district,

16 b. If, in the election, one candidate has a majority of
17 all votes cast, then a run-off election is not
18 required. If no candidate receives a majority of all
19 votes cast, then the two candidates receiving the
20 greatest number of votes shall become the candidates
21 for the board district in the general election, and

22 c. At the run-off election, all of the electors of the
23 board district shall select one of the two candidates
24

1 as the member of the board of education representing
2 the board district.

3 C. Any seven-member board shall have the option of reducing its
4 board to a five-member board either after approval of a board
5 resolution or a vote of the electors of the school district to take
6 such action pursuant to Section 13A-109 of Title 26 of the Oklahoma
7 Statutes. The election pursuant to a vote of the electors of the
8 school district shall be called upon the submission of a petition
9 requesting the election signed by ten percent (10%) of the school
10 district electors in the school district, the percentage being
11 applied to the highest number of voters voting in a regular school
12 district election in the district in the preceding five (5) years as
13 determined by the secretary of the county election board, who shall
14 certify the adequacy of the number of signatures on the petition.
15 If the question is put before the voters of the district, such
16 election shall be held along with and at the same time and place as
17 the next school election if all requirements of Section 13A-101 et
18 seq. of Title 26 of the Oklahoma Statutes for such election are met.

19 After such resolution or election, the board shall reapportion
20 the district, determining by resolution or by lot which board member
21 offices shall be abolished at the end of the current board member's
22 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~~ 2012, shall commence on the first regular, special or
21 emergency school board meeting after the date of the annual school
22 election and after the member has been certified as elected. ~~Board~~
23 Any board members elected prior to July 1, ~~1992~~ 2012, whose term of
24 office was shortened due to a change in election dates, may ~~remain~~

1 ~~in office until their successor is elected and seated pursuant to~~
2 ~~Sections 13A-101 through 13A-111 of Title 26 of the Oklahoma~~
3 ~~Statutes. The remaining term of any member who completes complete~~
4 ~~the term for which the member was elected but not wishing to serve~~
5 ~~until the successor of the member takes office on the first regular,~~
6 ~~special or emergency school board meeting after the successor has~~
7 ~~been certified as elected, shall be filled by appointment by the~~
8 ~~remaining members of the board of education as an at-large member.~~

9 SECTION 5. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 5-124.1 of Title 70, unless
11 there is created a duplication in numbering, reads as follows:

12 A. Any member of a school district board of education and any
13 administrator employed by the school district shall be required to
14 disclose when the member or administrator receives a thing of value
15 from a person who the member or administrator knows or should know:

16 1. Is seeking to do business or is doing business with the
17 school district; or

18 2. Has an economic interest in actions or matter before or
19 affecting the school district.

20 B. The member or administrator shall file a written report
21 within thirty (30) days of receiving a thing of value. The written
22 report shall be filed in the main office of the school district and
23 shall be made available to the public, and shall also be posted on
24 the Internet website of the school district.

1 C. For purposes of this section:

2 1. "Administrator" means a duly certified person who devotes a
3 majority of time to service as a superintendent, elementary
4 superintendent, principal, supervisor, vice principal or in any
5 other administrative or supervisory capacity in the school district;

6 2. "Person" means an individual, corporation, limited liability
7 company, association, proprietorship, firm, partnership, limited
8 liability partnership, limited partnership, joint venture, joint
9 stock company, syndicate, business trust, estate, trust, company,
10 organization, committee, or club, or a group of persons who are
11 voluntarily acting in concert; and

12 3. "Thing of value" means the same as defined in Rule 257:1-1-2
13 of the Rules of the Ethics Commission.

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

15 SECTION 7. It being immediately necessary for the preservation
16 of the public peace, health and safety, an emergency is hereby
17 declared to exist, by reason whereof this act shall take effect and
18 be in full force from and after its passage and approval.

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