

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 HOUSE BILL 1887

By: Cockroft

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5  
6 AS INTRODUCED

7 An Act relating to elections; amending 26 O.S. 2011,  
8 Section 13A-103, which relates to election dates;  
9 changing election dates for members of the board of  
10 education; changing election dates for question of  
11 school levy; amending 26 O.S. 2011, Section 13A-105,  
12 which relates to the declarations of candidacy by  
13 certain candidates; modifying dates of filing;  
14 amending 70 O.S. 2011, Section 5-107A, which relates  
15 to membership of boards of education of school  
16 districts; providing for the term of office of board  
17 members elected after certain date; providing for  
18 completion of the term of office for certain board  
19 members; providing an effective date; and declaring  
20 an emergency.

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

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

24 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~~  
~~each year, except in any year when a Presidential Preferential~~

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

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

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

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

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

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

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

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

23 A. For purposes of this section, temporary positions added to a  
24 board of education pursuant to Section 7-101 or 7-105 of this title

1 and the chair of the board of education elected pursuant to Section  
2 ~~4~~ 5-107B of this ~~act~~ title shall not be considered in determining  
3 the size of the board. The number and term of each board of  
4 education shall be as follows:

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

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

17 1. a. Between August 1 and December 31 of the year following  
18 the submission by the United States Department of  
19 Commerce to the President of the United States of the  
20 official Federal Decennial Census, the board of  
21 education shall reapportion the territory of the  
22 school district into board districts. Beginning with  
23 the reapportionment following the 1990 Federal  
24 Decennial Census, all boundaries of board districts

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

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

17 c. Elementary school districts shall have board members  
18 elected at large.

19 d. A city located in an independent school district  
20 having four or more wards and an outlying area with  
21 such outlying area comprising no more than twenty  
22 percent (20%) of the population of such independent  
23 school district, then such independent school district  
24 may adopt such wards and outlying area in lieu of the

1 board districts provided for in subparagraph a of this  
2 paragraph, and at least one member of the board of  
3 education of such independent school district shall be  
4 a member of each ward; and

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

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

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

21 a. There shall be held an election in which the electors  
22 of each board district in which a term is expiring or  
23 in which a vacancy exists shall select two candidates  
24

1 from among the candidates for board member to  
2 represent the board district,

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

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

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

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

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

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

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

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

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

24 Office No. 1 1991

1 Office No. 2 1992  
2 Office No. 3 1993  
3 Office No. 4 1994  
4 Office No. 5 1995

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

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

23 One member of a three-member board of education shall be elected  
24 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~~ 2013, shall commence on the first regular, special or  
5 emergency school board meeting after the date of the annual school  
6 election and after the member has been certified as elected. Board  
7 members elected prior to July 1, ~~1992~~ 2011, whose term of office was  
8 shortened due to a change in election dates, may ~~remain in office~~  
9 ~~until their successor is elected and seated pursuant to Sections~~  
10 ~~13A-101 through 13A-111 of Title 26 of the Oklahoma Statutes. The~~  
11 ~~remaining term of any member who completes~~ complete the term for  
12 which the member was elected ~~but not wishing to serve until the~~  
13 ~~successor of the member takes office on the first regular, special~~  
14 ~~or emergency school board meeting after the successor has been~~  
15 ~~certified as elected, shall be filled by appointment by the~~  
16 ~~remaining members of the board of education~~ as an at-large member.

17 SECTION 4. This act shall become effective July 1, 2013.

18 SECTION 5. It being immediately necessary for the preservation  
19 of the public peace, health and safety, an emergency is hereby  
20 declared to exist, by reason whereof this act shall take effect and  
21 be in full force from and after its passage and approval.

22  
23 54-1-5460 LRB 12/12/12  
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