STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1275 By: Cockroft

COMMITTEE SUBSTITUTE

An Act relating to elections; amending 26 O.S. 2011, Section 13A-103, which relates to election dates; changing election dates for members of the board of education; amending 26 O.S. 2011, Section 13A-105, which relates to the declarations of candidacy by certain candidates; modifying dates of filing; amending 70 O.S. 2011, Section 5-107A, which relates to membership of boards of education of school districts; providing for the term of office of board members elected after certain date; providing for completion of the term of office for certain board members; and providing an effective date.

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:

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~~ first Tuesday ~~in February of each year, except in any year when a Presidential Preferential Primary is held in February, then the election shall be held on the~~

~~same day as the Presidential Preferential Primary~~ of April in odd-numbered years.

If no candidate receives more than fifty percent (50%) of the votes cast in the election provided for in this subsection, an election between the two candidates with the highest number of votes shall be conducted on the ~~first~~ second Tuesday in ~~April~~ June of that year.

B. Elections on the question of making a levy or levies for schools under Section 9, Section 9B or Section 10 of Article X of the Oklahoma Constitution shall be held on the second Tuesday in February of each year, except in any year when a Presidential Preferential Primary is held in February, then the election shall be held on the same day as the Presidential Preferential Primary.

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

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

Section 13A-105. Candidates for member of the board of education of every school district or technology center school district shall file declarations of candidacy in the same place and with the same officials as candidates for county office. The declaration of candidacy to be signed by the candidate shall have an attachment to be signed by the candidate listing the requirements of

a candidate for election or reelection to a school board as set forth in Sections 13A-106 and 5-105a of this title and Sections 5-110, 5-110.1~~,~~ and 5-113 of Title 70 of the Oklahoma Statutes, and the candidate shall swear or affirm that he or she is eligible to run for the office or serve in the office if elected. Candidates shall file on the first Monday in ~~December~~ February through the following Wednesday. For school districts and technology center school districts located in more than one county, filing may be either in the county wherein supervision of the district is located or in the county where the candidate resides.

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

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

A. For purposes of this section, temporary positions added to a board of education pursuant to Section 7-101 or 7-105 of this title and the chair of the board of education elected pursuant to Section ~~1~~ 5-107B of this ~~act~~ title shall not be considered in determining the size of the board. The number and term of each board of education shall be as follows:

District	Members	Term (Years)
Elementary	3	3

Independent		
1. districts having a five-member board	5	5
2. districts having a seven-member board unless an election is conducted pursuant to subsection C of this section	7	4

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

1. a. Between August 1 and December 31 of the year following the submission by the United States Department of Commerce to the President of the United States of the official Federal Decennial Census, the board of education shall reapportion the territory of the school district into board districts. Beginning with the reapportionment following the 1990 Federal Decennial Census, all boundaries of board districts shall follow clearly visible, definable and observable physical boundaries which are based upon criteria established and recognized by the Bureau of the Census of the United States Department of Commerce for purposes of defining census blocks for its decennial census and shall follow, as much as is possible,

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

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

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

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

2. One member of the board of education shall be elected by the electors of the school district to represent each such board

district. Provided, however, that in any school district where the electors of each board district, rather than the electors of the entire school district, elect board members to represent that board district, that district shall elect board members in that manner.

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

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

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

b. if, in the election, one candidate has a majority of all votes cast, then a run-off election is not required. If no candidate receives a majority of all votes cast, then the two candidates receiving the

greatest number of votes shall become the candidates for the board district in the general election, and

c. at the run-off election, all of the electors of the board district shall select one of the two candidates as the member of the board of education representing the board district.

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

After such resolution or election, the board shall reapportion the district, determining by resolution or by lot which board member

offices shall be abolished at the end of the current board member's term and which shall become one of the offices of the new board.

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

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

D. Except for the chair of the board of education elected pursuant to Section ~~1~~ 5-107B of this ~~act~~ title, offices of members of the board of education shall be designated by consecutive numbers and shall correspond with board districts when applicable.

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

~~Office No. 1~~	~~1991~~
~~Office No. 2~~	~~1992~~
~~Office No. 3~~	~~1993~~
~~Office No. 4~~	~~1994~~
~~Office No. 5~~	~~1995~~

The terms of office of the members of a seven-member board of education shall be staggered, with ~~one member being elected in 1991,~~

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

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

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

F. The term of office of each board member elected after ~~July 1, 1992~~ November 1, 2015, shall commence on the first regular, special or emergency school board meeting after the date of the annual school election and after the member has been certified as

elected. Board members elected prior to ~~July 1, 1992~~ November 1, 2015, may remain in office until their successor is elected and seated pursuant to Sections 13A-101 through 13A-111 of Title 26 of the Oklahoma Statutes. The remaining term of any member who completes the term for which the member was elected but not wishing to serve until the successor of the member takes office on the first regular, special or emergency school board meeting after the successor has been certified as elected, shall be filled by appointment by the remaining members of the board of education.

SECTION 4. This act shall become effective November 1, 2015.

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