

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 57th Legislature (2020)

4 HOUSE BILL 3396

 By: Nollan

5
6 AS INTRODUCED

7 An Act relating to elections; amending 26 O.S. 2011,
8 Section 13A-110, as last amended by Section 1,
9 Chapter 356, O.S.L. 2016 (26 O.S. Supp. 2019, Section
10 13A-110), which relates to vacancies of certain
 boards of education; modifying appointment of certain
 vacancies; and providing an effective date.

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

14 SECTION 1. AMENDATORY 26 O.S. 2011, Section 13A-110, as
15 last amended by Section 1, Chapter 356, O.S.L. 2016 (26 O.S. Supp.
16 2019, Section 13A-110), is amended to read as follows:

17 Section 13A-110. A. ~~Vacancies~~ Except as otherwise provided by
18 this section, vacancies for members of the board of education of
19 every school district or technology center school district shall be
20 filled by appointment by the board.

21 B. Except as provided for in subsection D of this section,
22 persons appointed to fill such vacancies in the first half of the
23 term of office for the board position shall serve only until the
24 next succeeding election, at which time the office which they hold

1 shall be placed on the ballot for the balance of the unexpired term.
2 Vacancies filled by appointment following the delivery of the
3 resolution calling for regular elections to the secretary of the
4 county election board shall be filled until the regular elections
5 the following year. Persons elected to fill unexpired terms shall
6 begin those terms at the next regular meeting of the board of
7 education following the election. Persons appointed to fill such
8 vacancies after the first half of the term of office for the board
9 position shall serve for the balance of the unexpired term.

10 C. Except as provided for in subsection D of this section, no
11 person shall be appointed to a board of education who does not meet
12 the eligibility qualifications needed to be a candidate for such
13 position as provided for in Section 13A-106 of this title and
14 Sections 5-110, 5-110.1 and 5-113 of Title 70 of the Oklahoma
15 Statutes.

16 D. If after the filing period is closed no candidate for an
17 open position on a board of education of a school district has filed
18 and therefore a vacancy is created, the vacancy shall be filled by
19 appointment by the board. Persons appointed to fill such vacancies
20 shall not be required to reside in the board or election district
21 but shall be required to reside in the school district and to meet
22 the other eligibility qualifications needed to be a candidate for
23 the position as provided for in Section 13A-106 of this title and
24 Sections 5-110, 5-110.1 and 5-113 of Title 70 of the Oklahoma

1 Statutes. Persons appointed to fill vacancies as provided for in
2 this subsection shall be eligible to serve only for the balance of
3 the term.

4 E. If the board of education does not fill the vacancy by
5 appointment within sixty (60) days of the date the board declared
6 the seat vacant, the board of education shall call a special
7 election to fill the vacancy for the unexpired term. The special
8 election shall be called on a date established by subsection B of
9 Section 3-101 of this title, and the special filing period shall be
10 scheduled as required in subsection D of Section 13A-109 of this
11 title.

12 F. If vacancies exist which result in a loss of a majority of
13 the board of education of a school district or technology center
14 school district, the Governor shall appoint a member or members
15 necessary to constitute a quorum to the board of education pursuant
16 to the authority granted by Section 13 of Article VI of the Oklahoma
17 Constitution. Such appointment shall be consistent with the
18 requirements of this section and shall only be for the remainder of
19 the term.

20 SECTION 2. This act shall become effective November 1, 2020.
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22 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 02/18/2020
23 - DO PASS.
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