

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 197, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Dugger

Dugger-EB-FS-Req#1761
3/8/2021 12:05 PM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

FLOOR SUBSTITUTE
FOR

SENATE BILL NO. 197

By: Dugger

FLOOR SUBSTITUTE

An Act relating to board of education elections; amending 26 O.S. 2011, Section 13A-103, as amended by Section 1, Chapter 9, O.S.L. 2018 (26 O.S. Supp. 2020, Section 13A-103), which relates to dates of board of education elections; providing for the seating of members at the first meeting following certain primary and general election dates; amending 70 O.S. 2011, Section 5-119, which relates to the election of board of education officers; directing such election to take place at certain meeting following certain election date; updating statutory reference; 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, as amended by Section 1, Chapter 9, O.S.L. 2018 (26 O.S. Supp. 2020, Section 13A-103), is amended to read as follows:

Section 13A-103. A. 1. The general election of members of the board of education of every school district and technology center school district shall be conducted on the first Tuesday of April of each year.

1 2. The primary election of members of the board of education of
2 every school district and technology center school district, if
3 necessary, 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.

7 3. If only two candidates qualify to have their names appear on
8 the ballot, the names of both candidates shall appear on the ballot
9 at the board of education general election.

10 4. If more than two candidates qualify to have their names
11 appear on the ballot, the names of all such candidates shall appear
12 on the ballot at the board of education primary election. A
13 candidate receiving more than fifty percent (50%) of the votes cast
14 in the board of education primary election shall be elected to the
15 office and following certification of election results shall be
16 seated at the first meeting following the February election date.

17 If no candidate receives more than fifty percent (50%) of the votes
18 cast in the board of education primary election, then the two
19 candidates with the highest number of votes shall appear on the
20 ballot at the board of education general election. The candidate
21 receiving a majority of the votes cast in the board of education
22 general election shall be elected to the office and following
23 certification of election results shall be seated at the first
24 meeting following the April election date.

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

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

10 SECTION 2. AMENDATORY 70 O.S. 2011, Section 5-119, is
11 amended to read as follows:

12 Section 5-119. A. Except for districts that elect a chair of
13 the board pursuant to Section ~~1 of this act~~ 5-107B of this title,
14 the board of education of each school district shall elect from its
15 membership at the first regular, special or emergency meeting
16 following the ~~annual~~ February or April school election date and
17 certification of election of new members, a president and vice
18 president, each of whom shall serve for a term of one (1) year and
19 until a successor is elected and qualified. The board shall also
20 elect a clerk and, in its discretion, a deputy clerk, either of whom
21 may be one of the members of the board, and each of whom shall hold
22 office during the pleasure of the board and each of whom shall
23 receive such compensation for services as the board may allow. If
24 the board elects a board clerk who is not one of the members of the

1 board, the board clerk may also be employed as the encumbrance clerk
2 and minute clerk. Provided, no superintendent, principal, treasurer
3 or assistant treasurer, instructor, or teacher employed by such
4 board shall be elected or serve as clerk or deputy clerk of the
5 board nor as encumbrance clerk or minute clerk except that a
6 treasurer or assistant treasurer may serve as a minute clerk. No
7 board member shall serve as encumbrance clerk or minute clerk. The
8 deputy clerk may perform any of the duties and exercise any of the
9 powers of the clerk with the same force and effect as if the same
10 were done or performed by the clerk. Before entering upon the
11 discharge of the duties of the deputy clerk, the deputy clerk shall
12 give a bond in a sum of not less than One Thousand Dollars
13 (\$1,000.00) with good and sufficient sureties to be approved by the
14 board conditioned for the faithful performance of the duties of the
15 deputy clerk.

16 B. The board of education shall employ an encumbrance clerk and
17 minute clerk, both functions of which may be performed by the same
18 employee. The encumbrance clerk shall keep the books and documents
19 of the school district and perform such other duties as the board of
20 education or its committees may require. The minute clerk shall
21 keep an accurate journal of the proceedings of the board of
22 education and perform such other duties as the board of education or
23 its committees may require. The board of education may designate a
24 deputy minute clerk. The deputy minute clerk may perform any of the

1 duties and exercise any of the powers of the minute clerk with the
2 same force and effect as if the same were done or performed by the
3 minute clerk. Before entering upon the discharge of the duties of
4 the deputy minute clerk, the deputy minute clerk shall give a bond
5 in a sum of not less than One Thousand Dollars (\$1,000.00) with good
6 and sufficient sureties to be approved by the board conditioned for
7 the faithful performance of the duties of the deputy minute clerk.
8 Before entering upon the discharge of their duties, the encumbrance
9 clerk and minute clerk shall each give a bond in a sum of not less
10 than One Thousand Dollars (\$1,000.00) with good and sufficient
11 sureties to be approved by the board conditioned for the faithful
12 performance of their duties. If both functions are performed by the
13 same person only one bond in a sum of not less than One Thousand
14 Dollars (\$1,000.00) shall be required.

15 SECTION 3. This act shall become effective July 1, 2021.

16 SECTION 4. It being immediately necessary for the preservation
17 of the public peace, health or safety, an emergency is hereby
18 declared to exist, by reason whereof this act shall take effect and
19 be in full force from and after its passage and approval.

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