

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

SENATE BILL 1582

By: Treat

AS INTRODUCED

An Act relating to school district boards of education; providing for removal of board of education member by recall petition; establishing signature threshold for recall petition; requiring filing of recall petition; directing form for recall petition to be prescribed; prohibiting signatures on petition from being deemed valid if signed outside of certain time period; requiring a school district board of education to order and fix date for certain election; requiring certain notification; prohibiting election from being held within certain time frame; providing for filing of declarations of candidacy; providing for incumbent to continue serving under certain condition; providing for seating of incumbent or successor; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5-107C of Title 70, unless there is created a duplication in numbering, reads as follows:

A. A member of a school district board of education may be removed from office by means of a recall petition demanding the removal of a board member and the election of a successor to the member. The recall petition shall be signed by not less than ten

1 percent (10%) of the qualified electors of the board district based
2 on the total number of votes cast at the last board district
3 election. The recall petition shall be filed with the school
4 district board of education. The petition shall contain a specific
5 statement of the grounds on which removal is sought. The form for
6 the recall petition shall be prescribed by the State Election Board.
7 No signature on a petition shall be deemed valid if signed more than
8 six (6) months prior to the filing of the petition.

9 B. Upon presentation of a recall petition as provided for in
10 subsection A of this section, a school district board of education
11 shall, within ten (10) days, order and fix a date for holding the
12 election. The board of education shall notify, by resolution, the
13 secretary of the county election board as provided for in Section
14 13A-109 of Title 26 of the Oklahoma Statutes. An election shall not
15 be held prior to one hundred eighty (180) days after the board of
16 education member has taken office or within one hundred eighty (180)
17 days before the next board district election.

18 C. Any member of a school district board of education sought to
19 be removed pursuant to the provisions of this section may be a
20 candidate to succeed himself or herself. Candidates wishing to
21 succeed the member shall file declarations of candidacy in the same
22 place and manner as a general election for a member as provided for
23 in Section 13A-105 of Title 26 of the Oklahoma Statutes. If after
24

1 the filing period is closed no candidate has filed, the incumbent
2 member shall continue to serve on the board of education.

3 D. 1. If the incumbent member is elected, the member shall
4 continue to serve on the board of education.

5 2. If an individual other than the incumbent member is elected,
6 the incumbent shall be deemed removed from office upon or at the
7 time the winner of the election is declared. The successor shall
8 assume the office within ten (10) days after receiving notification
9 of the election results. He or she shall hold office for the
10 unexpired term of the predecessor.

11 SECTION 2. This act shall become effective July 1, 2022.

12 SECTION 3. It being immediately necessary for the preservation
13 of the public peace, health, or safety, an emergency is hereby
14 declared to exist, by reason whereof this act shall take effect and
15 be in full force from and after its passage and approval.

16
17 58-2-2880 EB 1/20/2022 12:49:26 PM
18
19
20
21
22
23
24
25