

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 166

By: Prieto

AS INTRODUCED

An Act relating to boards of education; amending 26 O.S. 2021, Section 13A-105, which relates to filing declarations of candidacy; clarifying filing dates for candidates in a regular election; providing for candidate filing in a special election; amending 26 O.S. 2021, Section 13A-110, which relates to board of education vacancies; directing vacancies to be filled by election; removing language providing for vacancies to be filled by appointment; providing special election process to fill vacancy; removing language regarding appointment of members; modifying certain appointment authority; removing language requiring a special election if vacancy is not filled within certain time period; 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. 2021, 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

1 a candidate for election or reelection to a school board as set
2 forth in Sections 13A-106 and 5-105a of this title and Sections 5-
3 110, 5-110.1, and 5-113 of Title 70 of the Oklahoma Statutes, and
4 the candidate shall swear or affirm that he or she is eligible to
5 run for the office or serve in the office if elected. Candidates
6 for a school board office to be filled in the regular election as
7 provided in subsection A of Section 13A-103 of this title shall file
8 on the first Monday in December through the following Wednesday.
9 Candidates for a school board office to be filled in a special
10 election shall file on a Monday through the following Wednesday that
11 is at least ten (10) days after the seat has been declared vacant.
12 For school districts and technology center school districts located
13 in more than one county, filing may be either in the county wherein
14 supervision of the district is located or in the county where the
15 candidate resides.

16 SECTION 2. AMENDATORY 26 O.S. 2021, Section 13A-110, is
17 amended to read as follows:

18 Section 13A-110. A. ~~Except as provided for in subsection F of~~
19 ~~this section, vacancies~~ Vacancies for members of the board of
20 education of every school district or technology center school
21 district shall be filled by ~~appointment by the board~~ election for
22 the balance of the unexpired term.

23 B. Except as provided for in subsection D of this section,
24 ~~persons appointed to fill such vacancies in the first half of the~~

~~term of office for the board position shall serve only until the~~
~~next succeeding election, at which time the office which they hold~~
~~shall be placed on the ballot for the balance of the unexpired term.~~
~~Vacancies filled by appointment following the delivery of the~~
~~resolution calling for regular elections to the secretary of the~~
~~county election board shall be filled until the regular elections~~
~~the following year.~~ upon notification of a vacancy, the board of
education shall make a vacancy declaration at its next regularly
scheduled meeting, set the filing dates for declarations of
candidacy, and adopt the resolution calling for a special election
as provided for in Section 13A-109 of this title. If the vacancy is
declared within the first fourteen (14) days of November, the board
of education shall use the regular election process provided for in
subsection A of Section 13A-103 of this title to fill the office.
If the vacancy is declared at any other time of the year, the board
of education shall call for a special election as provided for in
subsection C of Section 13A-103 of this title and Section 13A-109 of
this title. The special election shall be held no later than
seventy-five (75) days after the vacancy is declared, and the
special filing period shall be scheduled as required in subsection D
of Section 13A-109 of this title. Persons elected to fill unexpired
terms shall begin those terms at the next regular meeting of the
board of education following the election. Persons appointed to
~~fill such vacancies after the first half of the term of office for~~

1 ~~the board position shall serve for the balance of the unexpired~~
2 ~~term.~~

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

9 D. If after the filing period is closed no candidate for an
10 open position on a board of education of a school district has filed
11 and therefore a vacancy is created, the vacancy shall be filled by
12 appointment by the ~~board~~ State Superintendent of Public Instruction.
13 Persons appointed to fill such vacancies shall not be required to
14 reside in the board or election district but shall be required to
15 reside in the school district and to meet the other eligibility
16 qualifications needed to be a candidate for the position as provided
17 for in Section 13A-106 of this title and Sections 5-110, 5-110.1,
18 and 5-113 of Title 70 of the Oklahoma Statutes. Persons appointed
19 to fill vacancies as provided for in this subsection shall be
20 eligible to serve only for the balance of the term.

21 ~~E. If the board of education does not fill the vacancy by~~
22 ~~appointment within sixty (60) days of the date the board declared~~
23 ~~the seat vacant, the board of education shall call a special~~
24 ~~election to fill the vacancy for the unexpired term. The special~~

1 ~~election shall be called on a date established by subsection B of~~
2 ~~Section 3-101 of this title, and the special filing period shall be~~
3 ~~scheduled as required in subsection D of Section 13A-109 of this~~
4 ~~title.~~

5 ~~F.~~ If vacancies occur which result in a loss of a majority of
6 members of the board of education of a school district or technology
7 center school district, the Governor shall appoint a member or
8 members necessary to constitute a quorum to the board of education
9 pursuant to the authority granted by Section 13 of Article VI of the
10 Oklahoma Constitution. Such appointment shall be consistent with
11 the requirements of this section and shall only be for the remainder
12 of the term of office.

13 SECTION 3. This act shall become effective July 1, 2023.

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

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