

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 98

By: Prieto

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5
6 AS INTRODUCED

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

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

24 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:

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

1 thirty-three percent (33%) of the qualified electors of the board
2 district based on the total number of votes cast at the last board
3 district election. The recall petition shall be filed with the
4 school district board of education. The petition shall contain a
5 specific statement of the grounds on which removal is sought. The
6 form for the recall petition shall be prescribed by the State
7 Election Board. No signature on a petition shall be deemed valid if
8 signed more than 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
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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, 2023.

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.

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