

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 1490

By: Paxton

AS INTRODUCED

An Act relating to school district boards of education; amending 26 O.S. 2021, Section 13A-110, which relates to board of education vacancies; directing persons elected to fill vacancies to begin terms at certain meeting in July; amending 70 O.S. 2021, Section 5-107A, which relates to board of education elections; directing the terms of elected members to begin at certain meeting in July; updating statutory language; updating statutory references; and providing an effective date.

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

SECTION 1. AMENDATORY 26 O.S. 2021, Section 13A-110, is amended to read as follows:

Section 13A-110. A. Except as provided for in subsection F of this section, vacancies for members of the board of education of every school district or technology center school district shall be filled by appointment by the board.

B. Except as provided for in subsection D of this section, 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

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~~ first regular, special, or emergency
7 meeting of the board of education held in July following the
8 election. Persons appointed to fill such vacancies after the first
9 half of the term of office for the board position shall serve for
10 the balance of the unexpired term.

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

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

1 Sections 5-110, 5-110.1, and 5-113 of Title 70 of the Oklahoma
2 Statutes. Persons appointed to fill vacancies as provided for in
3 this subsection shall be eligible to serve only for the balance of
4 the term.

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

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

21 SECTION 2. AMENDATORY 70 O.S. 2021, Section 5-107A, is
22 amended to read as follows:

23 Section 5-107A. The following provisions and the provisions of
24 Section 13A-101 et seq. of Title 26 of the Oklahoma Statutes shall
25

govern the election of members of the board of education for a school district:

A. For purposes of this section, temporary positions added to a board of education pursuant to Section 7-101 or 7-105 of this title and the chair of the board of education elected pursuant to Section ~~4~~ 5-107B of this ~~act~~ title shall not be considered in determining the size of the board. The number and term of each board of education shall be as follows:

District	Members	Term (Years)
Elementary	3	3
Independent		
1. Districts having a five-member board	5	5
2. Districts having a seven-member board unless an election is conducted pursuant to subsection C of this section	7	4

B. In all school districts, the members of the board of education shall be elected as follows:

1. a. Between August 1 and December 31 of the year following the submission by the United States Department of Commerce to the President of the United States of the official Federal Decennial Census, the board of

1 education shall reapportion the territory of the
2 school district into board districts. Beginning with
3 the reapportionment following the 1990 Federal
4 Decennial Census, all boundaries of board districts
5 shall follow clearly visible, definable, and
6 observable physical boundaries which are based upon
7 criteria established and recognized by the Bureau of
8 the Census of the United States Department of Commerce
9 for purposes of defining census blocks for its
10 decennial census and shall follow, as much as is
11 possible, precinct boundaries. Board districts shall
12 be compact, contiguous, and shall be as equal in
13 population as practical with not more than a ten
14 percent (10%) variance between the most populous and
15 least populous board districts.

16 b. School districts having fewer than one thousand eight
17 hundred (1,800) students in average daily membership
18 during the preceding school year may choose not to
19 establish board districts and may nominate and elect
20 all board members at large.

21 c. Elementary school districts shall have board members
22 elected at large.

23 d. A city located in an independent school district
24 having four or more wards and an outlying area with
25

1 such outlying area comprising no more than twenty
2 percent (20%) of the population of such independent
3 school district, then such independent school district
4 may adopt such wards and outlying area in lieu of the
5 board districts provided for in subparagraph a of this
6 paragraph, and at least one member of the board of
7 education of such independent school district shall be
8 a member of each ward; ~~and~~

9 2. One member of the board of education shall be elected by the
10 electors of the school district to represent each such board
11 district. Provided, however, that in any school district where the
12 electors of each board district, rather than the electors of the
13 entire school district, elect board members to represent that board
14 district, that district shall elect board members in that manner.

15 If during the term of office to which a person was elected, that
16 member ceases to be a resident of the board district for which the
17 person was elected, the office shall become vacant and such vacancy
18 shall be filled as provided in Section 13A-110 of Title 26 of the
19 Oklahoma Statutes; and

20 3. In a school district having more than ten thousand (10,000)
21 children in average daily membership, the following provision and
22 the provisions of Section 13A-101 et seq. of Title 26 of the
23 Oklahoma Statutes shall control ~~as to~~ the election of the members of
24 the school district's board of education:

- 1 a. There shall be held an election in which the electors
2 of each board district in which a term is expiring or
3 in which a vacancy exists shall select two candidates
4 from among the candidates for board member to
5 represent the board district,
- 6 b. If, in the election, one candidate has a majority of
7 all votes cast, then a run-off election is not
8 required. If no candidate receives a majority of all
9 votes cast, then the two candidates receiving the
10 greatest number of votes shall become the candidates
11 for the board district in the general election, and
- 12 c. At the run-off election, all of the electors of the
13 board district shall select one of the two candidates
14 as the member of the board of education representing
15 the board district.

16 C. Any seven-member board shall have the option of reducing its
17 board to a five-member board either after approval of a board
18 resolution or a vote of the electors of the school district to take
19 such action pursuant to Section 13A-109 of Title 26 of the Oklahoma
20 Statutes. The election pursuant to a vote of the electors of the
21 school district shall be called upon the submission of a petition
22 requesting the election signed by ten percent (10%) of the school
23 district electors in the school district, the percentage being
24 applied to the highest number of voters voting in a regular school

1 district election in the district in the preceding five (5) years as
2 determined by the secretary of the county election board, who shall
3 certify the adequacy of the number of signatures on the petition.

4 If the question is put before the voters of the district, such
5 election shall be held along with and at the same time and place as
6 the next school election if all requirements of Section 13A-101 et
7 seq. of Title 26 of the Oklahoma Statutes for such election are met.

8 After such resolution or election, the board shall reapportion
9 the district, determining by resolution or by lot which board member
10 offices shall be abolished at the end of the current board member's
11 term and which shall become one of the offices of the new board.

12 Election of the resulting board members shall be carried out
13 according to procedures stated in this section and Section 13A-101
14 et seq. of Title 26 of the Oklahoma Statutes.

15 School board members currently serving in offices abolished
16 pursuant to this subsection shall continue serving until the end of
17 their current terms as at-large members.

18 D. Except for the chair of the board of education elected
19 pursuant to Section ~~4~~ 5-107B of this ~~act~~ title, offices of members
20 of the board of education shall be designated by consecutive numbers
21 and shall correspond with board districts when applicable.

22 E. Except for those members elected prior to July 1, 1992, the
23 terms of office of the members of a five-member board of education
24 shall commence on the first regular, special, or emergency school
25

1 board meeting held in July after the date of the annual school
2 election and after the member has been certified as elected:

3 Office No. 1 1991

4 Office No. 2 1992

5 Office No. 3 1993

6 Office No. 4 1994

7 Office No. 5 1995

8 The terms of office of the members of a seven-member board of
9 education shall be staggered, with one member being elected in 1991,
10 two members being elected in 1992, two members being elected in
11 1993, and two members being elected in 1994 and shall commence on
12 the first regular, special, or emergency school board meeting after
13 the date of the annual school election and after the member has been
14 certified as elected; provided, in districts needing to elect two
15 members in 1991 to maintain a full complement of board members, two
16 members shall be elected in 1991, one for a full term and one for a
17 one-year term, as determined by the local board. If a seven-member
18 board is formed upon consolidation pursuant to Section 7-105 of this
19 title, or upon annexation pursuant to Section 7-101 of this title,
20 the formation agreement shall specify initial short terms as
21 necessary to extend until the beginning of the regular terms for
22 seven-member boards established herein.

1 Upon reduction of a seven-member board pursuant to subsection C
2 of this section, the terms of the five-member board shall be
3 staggered pursuant to this subsection.

4 One member of a three-member board of education shall be elected
5 each year, and the terms of office shall commence on the first
6 regular, special, or emergency school board meeting held in July
7 after the member has been certified as elected.

8 F. The term of office of each board member elected after July
9 1, 1992, shall commence on the first regular, special, or emergency
10 school board meeting held in July after the date of the annual
11 school election and after the member has been certified as elected.
12 Board members elected prior to July 1, 1992, may remain in office
13 until their successor is elected and seated pursuant to Sections
14 13A-101 through 13A-111 of Title 26 of the Oklahoma Statutes. The
15 remaining term of any member who completes the term for which the
16 member was elected but not wishing to serve until the successor of
17 the member takes office on the first regular, special, or emergency
18 school board meeting held in July after the successor has been
19 certified as elected, shall be filled by appointment by the
20 remaining members of the board of education.

21 SECTION 3. This act shall become effective November 1, 2026.
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