

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1871 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Adopted: \_\_\_\_\_

Amendment submitted by: Toni Hasenbeck \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 PROPOSED COMMITTEE  
4 SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 1871

By: Hasenbeck

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to elections; amending 26 O.S. 2021,  
9 Sections 1-101, 1-102, 1-103, 3-101, as amended by  
10 Section 2, Chapter 329, O.S.L. 2023 (26 O.S. Supp.  
11 2023, Section 3-101), 13A-103 and 13A-105, which  
12 relate to school district elections; removing school  
13 district elections from certain prohibitions;  
14 modifying dates for school district elections;  
15 modifying filing of declaration of candidacy dates  
16 for school board elections; amending 70 O.S. 2021,  
17 Section 5-119, which relates to election of officers  
18 of boards of education; modifying election dates and  
19 certification of new members; providing an effective  
20 date; and declaring an emergency.

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

22 SECTION 1. AMENDATORY 26 O.S. 2021, Section 1-101, is  
23 amended to read as follows:

24 Section 1-101. On the first Tuesday succeeding the first Monday  
of November, 1976, and every four (4) years thereafter, a General  
Election shall be held, at which time electors for President and  
Vice President shall be elected. On said date, and every two (2)  
years thereafter, United States Senators and United States

1 Representatives, whose terms expire before the next succeeding  
2 General Election, and state, district and county officers, whose  
3 terms expire before the next succeeding General Election, shall be  
4 elected. No county, or municipality ~~or school district~~ shall  
5 schedule an election on any date during the twenty (20) days  
6 immediately preceding the date of any such General Election.

7 SECTION 2. AMENDATORY 26 O.S. 2021, Section 1-102, as  
8 amended by Section 1, Chapter 329, O.S.L. 2023 (26 O.S. Supp. 2023,  
9 Section 1-102), is amended to read as follows:

10 Section 1-102. A Primary Election shall be held on the third  
11 Tuesday in June of each even-numbered year, at which time each  
12 political party recognized by the laws of this state shall nominate  
13 its candidates for the offices to be filled at the next succeeding  
14 General Election unless otherwise provided by law. No candidate's  
15 name shall be printed upon the General Election ballot unless such  
16 candidate shall have been nominated as herein provided, unless  
17 otherwise provided by law; provided further that this provision  
18 shall not exclude the right of a nonpartisan candidate to have his  
19 or her name printed upon the General Election ballots. No county,  
20 or municipality ~~or school district~~ shall schedule an election on any  
21 date during the twenty (20) days immediately preceding the date of  
22 any such primary election.

23 SECTION 3. AMENDATORY 26 O.S. 2021, Section 1-103, is  
24 amended to read as follows:

1 Section 1-103. If at any Primary Election no candidate for the  
2 nomination for office of any political party receives a majority of  
3 all votes cast for all candidates of such party for the office, no  
4 candidate shall be nominated by such party for the office, but the  
5 two candidates receiving the highest number of votes at such  
6 election shall be placed on the official ballot as candidates for  
7 such nomination at a Runoff Primary Election to be held on the  
8 fourth Tuesday of August in the same year. No county, or  
9 municipality ~~or school district~~ shall schedule an election on any  
10 date during the twenty (20) days immediately preceding the date of  
11 any such Runoff Primary Election.

12 SECTION 4. AMENDATORY 26 O.S. 2021, Section 3-101, as  
13 amended by Section 2, Chapter 329, O.S.L. 2023 (26 O.S. Supp. 2023,  
14 Section 3-101), is amended to read as follows:

15 Section 3-101. A. No election required to be conducted by any  
16 county election board shall be scheduled for a day other than  
17 Tuesday.

18 B. Except as otherwise provided by law, no regular or special  
19 election to fill an elective office shall be held by any county,  
20 ~~school district, technology center school district,~~ municipality,  
21 fire protection district or other political subdivision and no  
22 special election to fill an elective office shall be held by any  
23 school district or technology center school district authorized to  
24 call elections except as follows:

- 1 1. The second Tuesday of February in any year;
- 2 2. The first Tuesday of April in any year;
- 3 3. The date of any regularly scheduled statewide state or
- 4 federal election in an even-numbered year;
- 5 4. The second Tuesday of September in an odd-numbered year;
- 6 5. The second Tuesday of November in an odd-numbered year; and
- 7 6. The second Tuesday of June of an odd-numbered year for a
- 8 special election to fill a vacancy.

9 C. Except as otherwise provided by law or by Section 1 of this  
10 act, no election for any purpose other than to fill an elective  
11 office shall be held by any county, school district, technology  
12 center school district, municipality, fire protection district or  
13 other political subdivision authorized to call elections except on:

14 1. The second Tuesday of January, February, May, June, July,  
15 August, September, October and November and the first Tuesday in  
16 March and April in odd-numbered years; provided, a municipality with  
17 a population in excess of two hundred fifty thousand (250,000)  
18 persons, according to the most recent Federal Decennial Census, may  
19 also hold an election on the second Tuesday of December in odd-  
20 numbered years; and

21 2. The second Tuesday of January and February, the first  
22 Tuesday in March and April, the third Tuesday in June, the fourth  
23 Tuesday in August, and the first Tuesday after the first Monday in  
24 November of any even-numbered year.

1 D. In the event that a regular or special election date occurs  
2 on an official state holiday, the election shall be scheduled for  
3 the next following Tuesday. In the event that any day of a  
4 candidate filing period occurs on a Saturday, Sunday or any official  
5 state holiday, that day of the filing period shall be scheduled for  
6 the next business day.

7 E. Notwithstanding any other provision of law or any provision  
8 of a municipal charter, any municipality, school district,  
9 technology center district, county, rural fire protection district,  
10 or any other entity seeking to hold a regular or special election to  
11 be conducted by a county election board on the same date as a  
12 regular or special federal or state election, shall file the  
13 resolution calling for the election with the county election board  
14 secretary no later than seventy-five (75) days prior to the election  
15 date. A candidate filing period of three (3) days, if so required  
16 by the resolution, shall begin no later than ten (10) days following  
17 the deadline to file the resolution with the secretary of the county  
18 election board; provided, the filing period for such municipal  
19 office may be scheduled on the same dates as the filing period for  
20 state or federal office to be filled at such election.

21 F. Any school district, technology center district,  
22 municipality, including any municipality governed by charter, rural  
23 fire protection district or any other entity seeking to hold a  
24 special election for the purpose of filling a vacancy shall schedule

1 a candidate filing period of three (3) days to begin not more than  
2 twenty (20) days following the date the resolution calling the  
3 election is required to be filed with the secretary of the county  
4 election board.

5 SECTION 5. AMENDATORY 26 O.S. 2021, Section 13A-103, is  
6 amended to read as follows:

7 Section 13A-103. A. 1. The Prior to November 1, 2025, the  
8 general election of members of the board of education of every  
9 school district and technology center school district shall be  
10 conducted on the first Tuesday of April of each year.

11 2. The Beginning November 1, 2025, the general election of  
12 members of the board of education of every school district and  
13 technology center school district shall be conducted on the Tuesday  
14 succeeding the first Monday of November of each year.

15 B. 1. Prior to November 1, 2025, the primary election of  
16 members of the board of education of every school district and  
17 technology center school district, if necessary, shall be conducted  
18 on the second Tuesday in February of each year, except in any year  
19 when a Presidential Preferential Primary is held in February, then  
20 the election shall be held on the same day as the Presidential  
21 Preferential Primary.

22 2. Beginning November 1, 2025, primary election of members of  
23 the board of education of every school district and technology  
24

1 center school district, if necessary, shall be conducted on the  
2 third Tuesday in June of each year.

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

6 4. If more than two candidates qualify to have their names  
7 appear on the ballot, the names of all such candidates shall appear  
8 on the ballot at the board of education primary election. A  
9 candidate receiving more than fifty percent (50%) of the votes cast  
10 in the board of education primary election shall be elected to the  
11 office. If no candidate receives more than fifty percent (50%) of  
12 the votes cast in the board of education primary election, then the  
13 two candidates with the highest number of votes shall appear on the  
14 ballot at the board of education general election.

15 ~~B.~~ C. Elections on the question of making a levy or levies for  
16 schools under Section 9, Section 9B or Section 10 of Article X of  
17 the Oklahoma Constitution shall be held on the second Tuesday in  
18 February of each year, except in any year when a Presidential  
19 Preferential Primary is held in February, then the election shall be  
20 held on the same day as the Presidential Preferential Primary.

21 ~~C.~~ D. The board of education of every school district or  
22 technology center school district may call a special election for  
23 the purpose of voting on any matter or question authorized by law.



1 SECTION 6. AMENDATORY 26 O.S. 2021, Section 13A-105, is  
2 amended to read as follows:

3 Section 13A-105. A. Candidates for member of the board of  
4 education of every school district or technology center school  
5 district shall file declarations of candidacy in the same place and  
6 with the same officials as candidates for county office. The  
7 declaration of candidacy to be signed by the candidate shall have an  
8 attachment to be signed by the candidate listing the requirements of  
9 a candidate for election or reelection to a school board as set  
10 forth in Sections 13A-106 and 5-105a of this title and Sections 5-  
11 110, 5-110.1, and 5-113 of Title 70 of the Oklahoma Statutes, and  
12 the candidate shall swear or affirm that he or she is eligible to  
13 run for the office or serve in the office if elected. ~~Candidates~~

14 B. 1. Prior to November 1, 2025, candidates shall file on the  
15 first Monday in December through the following Wednesday.

16 2. Beginning November 1, 2025, candidates shall file on the  
17 first Monday in April through the following Wednesday.

18 C. For school districts and technology center school districts  
19 located in more than one county, filing may be either in the county  
20 wherein supervision of the district is located or in the county  
21 where the candidate resides.

22 SECTION 7. AMENDATORY 70 O.S. 2021, Section 5-119, is  
23 amended to read as follows:

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1 Section 5-119. A. Except for districts that elect a chair of  
2 the board pursuant to Section 1 of this act, the board of education  
3 of each school district shall elect from its membership at the first  
4 regular, special or emergency meeting the following:

5 1. Prior to November 1, 2025, the ~~annual~~ school election date  
6 and certification of election of new members, a president and vice  
7 president, each of whom shall serve for a term of one (1) year and  
8 until a successor is elected and qualified; and

9 2. Beginning November 1, 2025, the November school election  
10 date and certification of election of new members, a president and  
11 vice president, each of whom shall serve for a term of one (1) year  
12 and until a successor is elected and qualified.

13 B. The board shall also elect a clerk and, in its discretion, a  
14 deputy clerk, either of whom may be one of the members of the board,  
15 and each of whom shall hold office during the pleasure of the board  
16 and each of whom shall receive such compensation for services as the  
17 board may allow. If the board elects a board clerk who is not one  
18 of the members of the board, the board clerk may also be employed as  
19 the encumbrance clerk and minute clerk. Provided, no  
20 superintendent, principal, treasurer or assistant treasurer,  
21 instructor, or teacher employed by such board shall be elected or  
22 serve as clerk or deputy clerk of the board nor as encumbrance clerk  
23 or minute clerk except that a treasurer or assistant treasurer may  
24 serve as a minute clerk. No board member shall serve as encumbrance

1 clerk or minute clerk. The deputy clerk may perform any of the  
2 duties and exercise any of the powers of the clerk with the same  
3 force and effect as if the same were done or performed by the clerk.  
4 Before entering upon the discharge of the duties of the deputy  
5 clerk, the deputy clerk shall give a bond in a sum of not less than  
6 One Thousand Dollars (\$1,000.00) with good and sufficient sureties  
7 to be approved by the board conditioned for the faithful performance  
8 of the duties of the deputy clerk.

9 ~~B.~~ C. The board of education shall employ an encumbrance clerk  
10 and minute clerk, both functions of which may be performed by the  
11 same employee. The encumbrance clerk shall keep the books and  
12 documents of the school district and perform such other duties as  
13 the board of education or its committees may require. The minute  
14 clerk shall keep an accurate journal of the proceedings of the board  
15 of education and perform such other duties as the board of education  
16 or its committees may require. The board of education may designate  
17 a deputy minute clerk. The deputy minute clerk may perform any of  
18 the duties and exercise any of the powers of the minute clerk with  
19 the same force and effect as if the same were done or performed by  
20 the minute clerk. Before entering upon the discharge of the duties  
21 of the deputy minute clerk, the deputy minute clerk shall give a  
22 bond in a sum of not less than One Thousand Dollars (\$1,000.00) with  
23 good and sufficient sureties to be approved by the board conditioned  
24 for the faithful performance of the duties of the deputy minute

1 clerk. Before entering upon the discharge of their duties, the  
2 encumbrance clerk and minute clerk shall each give a bond in a sum  
3 of not less than One Thousand Dollars (\$1,000.00) with good and  
4 sufficient sureties to be approved by the board conditioned for the  
5 faithful performance of their duties. If both functions are  
6 performed by the same person only one bond in a sum of not less than  
7 One Thousand Dollars (\$1,000.00) shall be required.

8 SECTION 8. This act shall become effective July 1, 2024.

9 SECTION 9. It being immediately necessary for the preservation  
10 of the public peace, health or safety, an emergency is hereby  
11 declared to exist, by reason whereof this act shall take effect and  
12 be in full force from and after its passage and approval.

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14 59-2-10171 LRB 02/14/24

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