

An Act

ENROLLED HOUSE
BILL NO. 1963

By: Nollan and Dills of the
House

and

Stanley of the Senate

An Act relating to elections; amending 26 O.S. 2011, Section 13A-110, as last amended by Section 1, Chapter 356, O.S.L. 2016 (26 O.S. Supp. 2020, Section 13A-110), which relates to vacancies of certain boards of education; requiring Governor appointment for certain vacancies that result in a loss of a majority of board of education members; and providing an effective date.

SUBJECT: Elections

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

SECTION 1. AMENDATORY 26 O.S. 2011, Section 13A-110, as last amended by Section 1, Chapter 356, O.S.L. 2016 (26 O.S. Supp. 2020, Section 13A-110), is amended to read as follows:

Section 13A-110. A. ~~Vacancies~~ 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 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. 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 the board position shall serve for the balance of the unexpired term.

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

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

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

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

SECTION 2. This act shall become effective November 1, 2021.

Passed the House of Representatives the 2nd day of March, 2021.

Presiding Officer of the House
of Representatives

Passed the Senate the 14th day of April, 2021.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____