

1 **SENATE FLOOR VERSION**

2 February 9, 2021

3 SENATE BILL NO. 197

By: Dugger

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7 An Act relating to board of education elections;
8 amending 26 O.S. 2011, Section 13A-103, as amended by
9 Section 1, Chapter 9, O.S.L. 2018 (26 O.S. Supp.
10 2020, Section 13A-103), which relates to dates of
11 board of education elections; directing members to be
12 seated at the first meeting following the April
13 election date; amending 70 O.S. 2011, Section 5-119,
14 which relates to the election of board of education
15 officers; directing such election to take place at
16 certain meeting; updating statutory reference;
17 providing an effective date; and declaring an
18 emergency.

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

20 SECTION 1. AMENDATORY 26 O.S. 2011, Section 13A-103, as
21 amended by Section 1, Chapter 9, O.S.L. 2018 (26 O.S. Supp. 2020,
22 Section 13A-103), is amended to read as follows:

23 Section 13A-103. A. 1. The general election of members of the
24 board of education of every school district and technology center
25 school district shall be conducted on the first Tuesday of April of
26 each year.

27 2. The primary election of members of the board of education of
28 every school district and technology center school district, if

1 necessary, shall be conducted on the second Tuesday in February of
2 each year, except in any year when a Presidential Preferential
3 Primary is held in February, then the election shall be held on the
4 same day as the Presidential Preferential Primary.

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

8 4. If more than two candidates qualify to have their names
9 appear on the ballot, the names of all such candidates shall appear
10 on the ballot at the board of education primary election. A
11 candidate receiving more than fifty percent (50%) of the votes cast
12 in the board of education primary election shall be elected to the
13 office and shall be seated at the first meeting following the April
14 election date. If no candidate receives more than fifty percent
15 (50%) of the votes cast in the board of education primary election,
16 then the two candidates with the highest number of votes shall
17 appear on the ballot at the board of education general election.

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

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1 C. The board of education of every school district or
2 technology center school district may call a special election for
3 the purpose of voting on any matter or question authorized by law.

4 SECTION 2. AMENDATORY 70 O.S. 2011, Section 5-119, is
5 amended to read as follows:

6 Section 5-119. A. Except for districts that elect a chair of
7 the board pursuant to Section ~~1 of this act~~ 5-107B of this title,
8 the board of education of each school district shall elect from its
9 membership at the first regular, special or emergency meeting
10 following the ~~annual~~ April school election date and certification of
11 election of new members, a president and vice president, each of
12 whom shall serve for a term of one (1) year and until a successor is
13 elected and qualified. The board shall also elect a clerk and, in
14 its discretion, a deputy clerk, either of whom may be one of the
15 members of the board, and each of whom shall hold office during the
16 pleasure of the board and each of whom shall receive such
17 compensation for services as the board may allow. If the board
18 elects a board clerk who is not one of the members of the board, the
19 board clerk may also be employed as the encumbrance clerk and minute
20 clerk. Provided, no superintendent, principal, treasurer or
21 assistant treasurer, instructor, or teacher employed by such board
22 shall be elected or serve as clerk or deputy clerk of the board nor
23 as encumbrance clerk or minute clerk except that a treasurer or
24 assistant treasurer may serve as a minute clerk. No board member

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

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

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

8 SECTION 3. This act shall become effective July 1, 2021.

9 SECTION 4. 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.

13 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
14 February 9, 2021 - DO PASS
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