

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 943

By: Anderson

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5  
6 AS INTRODUCED

7 An Act relating to elections; amending 26 O.S. 2011,  
8 Sections 13A-105 and 13A-108 and 70 O.S. 2011,  
9 Section 5-107A, which relate to school district  
10 elections; modifying location where candidate filing  
11 may take place for school districts; requiring  
12 certain notification if boundaries of school district  
13 differ from boundaries of county; clarifying language  
14 relating to reapportionment of school districts;  
15 providing a conditional effective date; and providing  
16 an effective date.

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

18 SECTION 1. AMENDATORY 26 O.S. 2011, Section 13A-105, is  
19 amended to read as follows:

20 Section 13A-105. Candidates for member of the board of  
21 education of every school district or technology center school  
22 district shall file declarations of candidacy in the same place and  
23 with the same officials as candidates for county office. The  
24 declaration of candidacy to be signed by the candidate shall have an  
attachment to be signed by the candidate listing the requirements of  
a candidate for election or reelection to a school board as set  
forth in Sections 13A-106 and 5-105a of this title and Sections 5-

1 110, 5-110.1, and 5-113 of Title 70 of the Oklahoma Statutes, and  
2 the candidate shall swear or affirm that he or she is eligible to  
3 run for the office or serve in the office if elected. Candidates  
4 shall file on the first Monday in December through the following  
5 Wednesday. For ~~school districts and~~ technology center school  
6 districts located in more than one county, filing may be either in  
7 the county wherein supervision of the district is located or in the  
8 county where the candidate resides. For school districts, filing  
9 shall be in the county wherein supervision of the district is  
10 located.

11 SECTION 2. AMENDATORY 26 O.S. 2011, Section 13A-108, is  
12 amended to read as follows:

13 Section 13A-108. The State Department of Education shall  
14 provide the State Election Board with information concerning the  
15 boundary lines of technology center school districts within the  
16 state. If the boundaries of a school district differ from the  
17 boundaries of a county, as provided in Section of Enrolled  
18 Senate Bill No. of the 2nd Session of the 55th Oklahoma  
19 Legislature, the Department shall provide written notification to  
20 the Secretary of the State Election Board, who shall notify the  
21 secretary of each affected county election board. The State  
22 Election Board shall provide the county election boards with maps of  
23 each county and of individual precincts within each county showing  
24 the boundary lines of such school districts and with software for

1 the Oklahoma Election Management System capable of assigning  
2 addresses within the county to the appropriate school district.

3 SECTION 3. AMENDATORY 70 O.S. 2011, Section 5-107A, is  
4 amended to read as follows:

5 Section 5-107A. The following provisions and the provisions of  
6 Section 13A-101 et seq. of Title 26 of the Oklahoma Statutes shall  
7 govern the election of members of the board of education for a  
8 school district:

9 A. For purposes of this section, temporary positions added to a  
10 board of education pursuant to Section 7-101 or 7-105 of this title  
11 and the chair of the board of education elected pursuant to Section  
12 ~~4~~ 5-107B of this ~~act~~ title shall not be considered in determining  
13 the size of the board. The number and term of each board of  
14 education shall be as follows:

15	District	Members	Term (Years)
16	Elementary	3	3
17	Independent		
18	1. Districts having a five-member		
19	board	5	5
20	2. Districts having a seven-		
21	member board unless an		
22	election is conducted		
23	pursuant to subsection C of		
24	this section	7	4

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

- 3 1. a. ~~Between~~ between August 1 and December 31 of the year  
4 following the submission by the United States  
5 Department of Commerce to the President of the United  
6 States of the official Federal Decennial Census, the  
7 board of education shall reapportion the ~~territory of~~  
8 county in which the school district is located into  
9 board districts. ~~Beginning with the reapportionment~~  
10 ~~following the 1990 Federal Decennial Census, all~~ All  
11 boundaries of board districts shall follow clearly  
12 visible, definable and observable physical boundaries  
13 which are based upon criteria established and  
14 recognized by the Bureau of the Census of the United  
15 States Department of Commerce for purposes of defining  
16 census blocks for its decennial census and shall  
17 follow, as much as is possible, precinct boundaries.  
18 Board districts shall be compact, contiguous and shall  
19 be as equal in population as practical with not more  
20 than a ten percent (10%) variance between the most  
21 populous and least populous board districts.,  
22 b. ~~School~~ school districts having fewer than one thousand  
23 eight hundred (1,800) students in average daily  
24 membership during the preceding school year may choose

1 not to establish board districts and may nominate and  
2 elect all board members at large~~.,~~

3 c. ~~Elementary~~ elementary school districts shall have  
4 board members elected at large~~.,~~

5 d. ~~A~~ if a city is located in an independent school  
6 district having four or more wards and an outlying  
7 area with such outlying area comprising no more than  
8 twenty percent (20%) of the population of such  
9 independent school district, then such independent  
10 school district may adopt such wards and outlying area  
11 in lieu of the board districts provided for in  
12 subparagraph a of this paragraph, and at least one  
13 member of the board of education of such independent  
14 school district shall be a member of each ward; and

15 2. One member of the board of education shall be elected by the  
16 electors of the school district to represent each such board  
17 district. Provided, however, that in any school district where the  
18 electors of each board district, rather than the electors of the  
19 entire school district, elect board members to represent that board  
20 district, that district shall elect board members in that manner.

21 If during the term of office to which a person was elected, that  
22 member ceases to be a resident of the board district for which the  
23 person was elected, the office shall become vacant and such vacancy  
24

1 shall be filled as provided in Section 13A-110 of Title 26 of the  
2 Oklahoma Statutes; and

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

8 a. ~~There~~ there shall be held an election in which the  
9 electors of each board district in which a term is  
10 expiring or in which a vacancy exists shall select two  
11 candidates from among the candidates for board member  
12 to represent the board district,

13 b. ~~If~~ if, in the election, one candidate has a majority  
14 of all votes cast, then a run-off election is not  
15 required. If no candidate receives a majority of all  
16 votes cast, then the two candidates receiving the  
17 greatest number of votes shall become the candidates  
18 for the board district in the general election, and

19 c. ~~At~~ at the run-off election, all of the electors of the  
20 board district shall select one of the two candidates  
21 as the member of the board of education representing  
22 the board district.

23 C. Any seven-member board shall have the option of reducing its  
24 board to a five-member board either after approval of a board

1 resolution or a vote of the electors of the school district to take  
2 such action pursuant to Section 13A-109 of Title 26 of the Oklahoma  
3 Statutes. The election pursuant to a vote of the electors of the  
4 school district shall be called upon the submission of a petition  
5 requesting the election signed by ten percent (10%) of the school  
6 district electors in the school district, the percentage being  
7 applied to the highest number of voters voting in a regular school  
8 district election in the district in the preceding five (5) years as  
9 determined by the secretary of the county election board, who shall  
10 certify the adequacy of the number of signatures on the petition.

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

15 After such resolution or election, the board shall reapportion  
16 the district, determining by resolution or by lot which board member  
17 offices shall be abolished at the end of the current board member's  
18 term and which shall become one of the offices of the new board.

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

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

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

5 E. Except for those members elected prior to July 1, 1992, the  
6 terms of office of the members of a five-member board of education  
7 shall commence on the first regular, special or emergency school  
8 board meeting after the date of the annual school election and after  
9 the member has been certified as elected:

10	Office No. 1	1991
11	Office No. 2	1992
12	Office No. 3	1993
13	Office No. 4	1994
14	Office No. 5	1995

15 The terms of office of the members of a seven-member board of  
16 education shall be staggered, with one member being elected in 1991,  
17 two members being elected in 1992, two members being elected in 1993  
18 and two members being elected in 1994 and shall commence on the  
19 first regular, special or emergency school board meeting after the  
20 date of the annual school election and after the member has been  
21 certified as elected; provided, in districts needing to elect two  
22 members in 1991 to maintain a full complement of board members, two  
23 members shall be elected in 1991, one for a full term and one for a  
24 one-year term, as determined by the local board. If a seven-member



1 board is formed upon consolidation pursuant to Section 7-105 of this  
2 title, or upon annexation pursuant to Section 7-101 of this title,  
3 the formation agreement shall specify initial short terms as  
4 necessary to extend until the beginning of the regular terms for  
5 seven-member boards established herein.

6       Upon reduction of a seven-member board pursuant to subsection C  
7 of this section, the terms of the five-member board shall be  
8 staggered pursuant to this subsection.

9       One member of a three-member board of education shall be elected  
10 each year, and the terms of office shall commence on the first  
11 regular, special or emergency school board meeting after the member  
12 has been certified as elected.

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

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1 filled by appointment by the remaining members of the board of  
2 education.

3 SECTION 4. The provisions of this act shall not become  
4 effective as law unless Enrolled Senate Bill No. \_\_\_\_\_ of the 2nd  
5 Session of the 55th Oklahoma Legislature becomes effective as law.

6 SECTION 5. This act shall become effective November 1, 2016.

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