

1 **SENATE FLOOR VERSION**

2 February 26, 2020

3 SENATE BILL NO. 1170

By: Dugger of the Senate

4 and

5 Hasenbeck of the House

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7  
8 An Act relating to board of education elections;  
9 amending 26 O.S. 2011, Section 13A-103, as amended by  
10 Section 1, Chapter 9, O.S.L. 2018 (26 O.S. Supp.  
11 2019, Section 13A-103), which relates to dates of  
12 board of education elections; directing members to be  
13 seated at the first meeting following the April  
14 election date; amending 70 O.S. 2011, Section 5-119,  
15 which relates to the election of board of education  
16 officers; directing such election to take place at  
17 certain meeting; updating statutory reference;  
18 providing an effective date; and declaring an  
19 emergency.

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

21 SECTION 1. AMENDATORY 26 O.S. 2011, Section 13A-103, as  
22 amended by Section 1, Chapter 9, O.S.L. 2018 (26 O.S. Supp. 2019,  
23 Section 13A-103), is amended to read as follows:

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

1           2. The primary election of members of the board of education of  
2 every school district and technology center school district, if  
3 necessary, shall be conducted on the second Tuesday in February of  
4 each year, except in any year when a Presidential Preferential  
5 Primary is held in February, then the election shall be held on the  
6 same day as the Presidential Preferential Primary.

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

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

20          B. Elections on the question of making a levy or levies for  
21 schools under Section 9, Section 9B or Section 10 of Article X of  
22 the Oklahoma Constitution shall be held on the second Tuesday in  
23 February of each year, except in any year when a Presidential  
24

1 Preferential Primary is held in February, then the election shall be  
2 held on the same day as the Presidential Preferential Primary.

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

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

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

1 as encumbrance clerk or minute clerk except that a treasurer or  
2 assistant treasurer may serve as a minute clerk. No board member  
3 shall serve as encumbrance clerk or minute clerk. The deputy clerk  
4 may perform any of the duties and exercise any of the powers of the  
5 clerk with the same force and effect as if the same were done or  
6 performed by the clerk. Before entering upon the discharge of the  
7 duties of the deputy clerk, the deputy clerk shall give a bond in a  
8 sum of not less than One Thousand Dollars (\$1,000.00) with good and  
9 sufficient sureties to be approved by the board conditioned for the  
10 faithful performance of the duties of the deputy clerk.

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

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

10 SECTION 3. This act shall become effective July 1, 2020.

11 SECTION 4. It being immediately necessary for the preservation  
12 of the public peace, health or safety, an emergency is hereby  
13 declared to exist, by reason whereof this act shall take effect and  
14 be in full force from and after its passage and approval.

15 COMMITTEE REPORT BY: COMMITTEE ON RULES  
16 February 26, 2020 - DO PASS  
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