

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 962

By: Treat

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5
6 AS INTRODUCED

7 An Act relating to school district elections;
8 amending 26 O.S. 2011, Sections 3-101, as last
9 amended by Section 1, Chapter 110, O.S.L. 2018 and
10 13A-103, as amended by Section 1, Chapter 9, O.S.L.
11 2018 (26 O.S. Supp. 2020, Sections 3-101 and 13A-
103), which relate to election dates; modifying
12 permissible dates for certain elections; and
13 providing an effective date.

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

15 SECTION 1. AMENDATORY 26 O.S. 2011, Section 3-101, as
16 last amended by Section 1, Chapter 110, O.S.L. 2018 (26 O.S. Supp.
17 2020, Section 3-101), is amended to read as follows:

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

21 B. Except as otherwise provided by law, no regular or special
22 election to fill an elective office shall be held by any county,
23 school district, technology center school district, municipality,
24 fire protection district or other political subdivision authorized
25 to 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~~; and
- 6 5. The second Tuesday of November in an odd-numbered year, and
- 7 for school districts in an odd and even-numbered year.

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

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

20 2. The second Tuesday of January and February, the first
21 Tuesday in March and April, the last Tuesday in June, the fourth
22 Tuesday in August, and the first Tuesday after the first Monday in
23 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 2. AMENDATORY 26 O.S. 2011, Section 13A-103, as
6 amended by Section 1, Chapter 9, O.S.L. 2018 (26 O.S. Supp. 2020,
7 Section 13A-103), is amended to read as follows:

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

12 2. The primary election of members of the board of education of
13 every school district and technology center school district, if
14 necessary, shall be conducted on the second Tuesday in ~~February~~
15 September of each year, ~~except in any year when a Presidential~~
16 ~~Preferential Primary is held in February, then the election shall be~~
17 ~~held on the same day as the Presidential Preferential Primary.~~

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

21 4. If more than two candidates qualify to have their names
22 appear on the ballot, the names of all such candidates shall appear
23 on the ballot at the board of education primary election. A
24 candidate receiving more than fifty percent (50%) of the votes cast

1 in the board of education primary election shall be elected to the
2 office. If no candidate receives more than fifty percent (50%) of
3 the votes cast in the board of education primary election, then the
4 two candidates with the highest number of votes shall appear on the
5 ballot at the board of education general election.

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

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

15 SECTION 3. This act shall become effective November 1, 2021.

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