

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 244

6 By: Seifried

7 COMMITTEE SUBSTITUTE

8 An Act relating to school district elections;  
9 amending 26 O.S. 2021, Sections 13A-103 and 13A-105,  
10 which relate to election dates and declaration of  
11 candidacy; modifying permissible dates for certain  
12 elections; modifying dates for filing for certain  
13 office; amending 70 O.S. 2021, Section 5-107A, which  
14 relates to school district board of education  
15 elections; updating statutory references; modifying  
16 certain term of office; modifying staggering of  
17 certain terms of office; modifying commencement of  
18 certain terms of office; and providing an effective  
19 date.

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

21 SECTION 1. AMENDATORY 26 O.S. 2021, Section 13A-103, is  
22 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~~ second Tuesday of  
26 ~~April~~ November of each odd-numbered year, and on the first Tuesday  
27 after the first Monday of November in each even-numbered 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~~  
4 September of each odd-numbered year, ~~except in any year when a~~  
5 ~~Presidential Preferential Primary is held in February, then the~~  
6 ~~election shall be held on the same day as the Presidential~~  
7 ~~Preferential Primary~~ and on the fourth Tuesday of August in each  
8 even-numbered year.

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

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

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

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 26 O.S. 2021, Section 13A-105, is  
7 amended to read as follows:

8 Section 13A-105. Candidates for member of the board of  
9 education of every school district or technology center school  
10 district shall file declarations of candidacy in the same place and  
11 with the same officials as candidates for county office. The  
12 declaration of candidacy to be signed by the candidate shall have an  
13 attachment to be signed by the candidate listing the requirements of  
14 a candidate for election or reelection to a school board as set  
15 forth in Sections 13A-106 and 5-105a of this title and Sections 5-  
16 110, 5-110.1, and 5-113 of Title 70 of the Oklahoma Statutes, and  
17 the candidate shall swear or affirm that he or she is eligible to  
18 run for the office or serve in the office if elected. Candidates  
19 shall file no earlier than 8:00 a.m. on the ~~first Monday~~ second  
20 Wednesday in ~~December~~ April through no later than 5:00 p.m. on the  
21 following ~~Wednesday~~ next succeeding Friday. For school districts  
22 and technology center school districts located in more than one  
23 county, filing may be either in the county wherein supervision of  
24

1 the district is located or in the county where the candidate  
2 resides.

3 SECTION 3. AMENDATORY 70 O.S. 2021, 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 ~~±~~ 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	<del>5</del> <u>4</u>
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 August 1 and December 31 of the year following  
4 the submission by the United States Department of  
5 Commerce to the President of the United States of the  
6 official Federal Decennial Census, the board of  
7 education shall reapportion the territory of the  
8 school district into board districts. Beginning with  
9 the reapportionment following the 1990 Federal  
10 Decennial Census, all boundaries of board districts  
11 shall follow clearly visible, definable, and  
12 observable physical boundaries which are based upon  
13 criteria established and recognized by the Bureau of  
14 the Census of the United States Department of Commerce  
15 for purposes of defining census blocks for its  
16 decennial census and shall follow, as much as is  
17 possible, precinct boundaries. Board districts shall  
18 be compact, contiguous and shall be as equal in  
19 population as practical with not more than a ten  
20 percent (10%) variance between the most populous and  
21 least populous board districts.

22 b. School districts having fewer than one thousand eight  
23 hundred (1,800) students in average daily membership  
24 during the preceding school year may choose not to

1 establish board districts and may nominate and elect  
2 all board members at large.

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

5 d. A city located in an independent school district  
6 having four or more wards and an outlying area with  
7 such outlying area comprising no more than twenty  
8 percent (20%) of the population of such independent  
9 school district, then such independent school district  
10 may adopt such wards and outlying area in lieu of the  
11 board districts provided for in subparagraph a of this  
12 paragraph, and at least one member of the board of  
13 education of such independent school district shall be  
14 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 shall be held an election in which the electors  
9 of each board district in which a term is expiring or  
10 in which a vacancy exists shall select two candidates  
11 from among the candidates for board member to  
12 represent the board district,

13 b. If, in the election, one candidate has a majority of  
14 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 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~~ 2024,  
6 the terms of office of the members of a five-member board of  
7 education shall commence on the first regular, special, or emergency  
8 school board meeting after the date of the annual school election  
9 and after the member has been certified as elected:

- 10 Office No. 1 ~~1991~~ 2025
- 11 Office No. 2 ~~1992~~ 2025
- 12 Office No. 3 ~~1993~~ 2026
- 13 Office No. 4 ~~1994~~ 2027
- 14 Office No. 5 ~~1995~~ 2028

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 2025, two members being elected in ~~1992~~ 2025, two members being  
18 elected in ~~1993~~ 2027 and two members being elected in ~~1994~~ 2028 and  
19 shall commence on the first regular, special, or emergency school  
20 board meeting after the date of the annual school election and after  
21 the member has been certified as elected; provided, in districts  
22 needing to elect two members in ~~1991~~ 2025 to maintain a full  
23 complement of board members, two members shall be elected in ~~1991~~  
24 2025, one for a full term and one for a one-year term, as determined

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

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

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

14 F. The term of office of each board member elected after July  
15 1, ~~1992~~ 2024, shall commence on the first regular, special, or  
16 emergency school board meeting after the date of the annual school  
17 election and after the member has been certified as elected. Board  
18 members elected prior to July 1, ~~1992~~ 2024, may remain in office  
19 until their successor is elected and seated pursuant to Sections  
20 13A-101 through 13A-111 of Title 26 of the Oklahoma Statutes. The  
21 remaining term of any member who completes the term for which the  
22 member was elected but not wishing to serve until the successor of  
23 the member takes office on the first regular, special, or emergency  
24 school board meeting after the successor has been certified as

1 | elected, shall be filled by appointment by the remaining members of  
2 | the board of education.

3 | SECTION 4. This act shall become effective November 1, 2023.  
4 |

5 | 59-1-1979 EB 2/27/2023 9:57:30 AM  
6 |  
7 |  
8 |  
9 |  
10 |  
11 |  
12 |  
13 |  
14 |  
15 |  
16 |  
17 |  
18 |  
19 |  
20 |  
21 |  
22 |  
23 |  
24 |