

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 3563

6 By: Banning

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 Tuesday ~~of April~~
26 after the first Monday in November of each even-numbered year, and
27 every two (2) years thereafter.

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~~ third Tuesday in
4 ~~February~~ June of each even-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 every two (2) years thereafter.

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

11 4. If more than two candidates qualify to have their names
12 appear on the ballot, the names of all such candidates shall appear
13 on the ballot at the board of education primary election. A
14 candidate receiving more than fifty percent (50%) of the votes cast
15 in the board of education primary election shall be elected to the
16 office. If no candidate receives more than fifty percent (50%) of
17 the votes cast in the board of education primary election, then the
18 two candidates with the highest number of votes shall appear on the
19 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
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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. 2021, Section 5-107A, is
7 amended to read as follows:

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

12 A. For purposes of this section, temporary positions added to a
13 board of education pursuant to Section 7-101 or 7-105 of this title
14 and the chair of the board of education elected pursuant to Section
15 ~~±~~ 5-107B of this ~~act~~ title shall not be considered in determining
16 the size of the board. The number and term of each board of
17 education shall be as follows:

18	District	Members	Term (Years)
19	Elementary	3	3 <u>4</u>
20	Independent		
21	1. Districts having a five-member		
22	board	5	5 <u>4</u>
23	2. Districts having a seven-		
24	member board unless an		

1 election is conducted
2 pursuant to subsection C of
3 this section 7 4

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

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

1 b. School districts having fewer than one thousand eight
2 hundred (1,800) students in average daily membership
3 during the preceding school year may choose not to
4 establish board districts and may nominate and elect
5 all board members at large.

6 c. Elementary school districts shall have board members
7 elected at large.

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

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

1 If during the term of office to which a person was elected, that
2 member ceases to be a resident of the board district for which the
3 person was elected, the office shall become vacant and such vacancy
4 shall be filled as provided in Section 13A-110 of Title 26 of the
5 Oklahoma Statutes; and

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

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

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

22 c. At the run-off election, all of the electors of the
23 board district shall select one of the two candidates
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1 as the member of the board of education representing
2 the board district.

3 C. Any seven-member board shall have the option of reducing its
4 board to a five-member board either after approval of a board
5 resolution or a vote of the electors of the school district to take
6 such action pursuant to Section 13A-109 of Title 26 of the Oklahoma
7 Statutes. The election pursuant to a vote of the electors of the
8 school district shall be called upon the submission of a petition
9 requesting the election signed by ten percent (10%) of the school
10 district electors in the school district, the percentage being
11 applied to the highest number of voters voting in a regular school
12 district election in the district in the preceding five (5) years as
13 determined by the secretary of the county election board, who shall
14 certify the adequacy of the number of signatures on the petition.
15 If the question is put before the voters of the district, such
16 election shall be held along with and at the same time and place as
17 the next school election if all requirements of Section 13A-101 et
18 seq. of Title 26 of the Oklahoma Statutes for such election are met.

19 After such resolution or election, the board shall reapportion
20 the district, determining by resolution or by lot which board member
21 offices shall be abolished at the end of the current board member's
22 term and which shall become one of the offices of the new board.
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1 Election of the resulting board members shall be carried out
2 according to procedures stated in this section and Section 13A-101
3 et seq. of Title 26 of the Oklahoma Statutes.

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

7 D. Except for the chair of the board of education elected
8 pursuant to Section 1 of this act, offices of members of the board
9 of education shall be designated by consecutive numbers and shall
10 correspond with board districts when applicable.

11 E. Except for those members elected prior to July 1, ~~1992~~, the
12 2024:

13 1. The terms of office of the members of a five-member board of
14 education shall be staggered and commence on the first regular,
15 special or emergency school board meeting after the date of the
16 annual school election and after the member has been certified as
17 elected as follows:

18	Office No. 1	1991 <u>2026</u>
19	Office No. 2	1992 <u>2026</u>
20	Office No. 3	1993 <u>2028</u>
21	Office No. 4	1994 <u>2028</u>
22	Office No. 5	1995 <u>2030</u>

23 2. The terms of office of the members of a seven-member board
24 of education shall be staggered, ~~with one member being elected in~~

1 ~~1991, two members being elected in 1992 two members being elected~~
2 ~~in 1993 and two members being elected in 1994 and shall commence on~~
3 the first regular, special or emergency school board meeting after
4 the date of the annual school election and after the member has been
5 certified as elected; ~~provided, in districts needing to elect two~~
6 ~~members in 1991 to maintain a full complement of board members, two~~
7 ~~members shall be elected in 1991, one for a full term and one for a~~
8 ~~one year term, as determined by the local board. as follows:~~

9	<u>Office No. 1</u>	<u>2026</u>
10	<u>Office No. 2</u>	<u>2026</u>
11	<u>Office No. 3</u>	<u>2028</u>
12	<u>Office No. 4</u>	<u>2028</u>
13	<u>Office No. 5</u>	<u>2028</u>
14	<u>Office No. 6</u>	<u>2030</u>
15	<u>Office No. 7</u>	<u>2030</u>

16 If a seven-member board is formed upon consolidation pursuant to
17 Section 7-105 of this title, or upon annexation pursuant to Section
18 7-101 of this title, the formation agreement shall specify initial
19 short terms as necessary to extend until the beginning of the
20 regular terms for seven-member boards established herein.

21 Upon reduction of a seven-member board pursuant to subsection C
22 of this section, the terms of the five-member board shall be
23 staggered pursuant to this subsection.

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1 ~~One member of a three-member board of education shall be elected~~
2 ~~each year, and the terms of office shall commence on the first~~
3 ~~regular, special or emergency school board meeting after the member~~
4 ~~has been certified as elected.~~

5 3. The terms of office of the members of a three-member board
6 of education shall be staggered, and commence on the first regular,
7 special or emergency school board meeting after the date of the
8 annual school election and after the member has been certified as
9 elected as follows:

10	<u>Office No. 1</u>	<u>2026</u>
11	<u>Office No. 2</u>	<u>2028</u>
12	<u>Office No. 3</u>	<u>2030</u>

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

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

3 | SECTION 3. This act shall become effective November 1, 2024.

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5 | 59-2-10120 LRB 02/12/24

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