

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 59th Legislature (2024)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3563

By: Banning

7
8 COMMITTEE SUBSTITUTE

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

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

22 SECTION 1. AMENDATORY 26 O.S. 2021, Section 13A-103, is
23 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~~

1 after the first Monday in November of each even-numbered year, and
2 every two (2) years thereafter.

3 2. The primary election of members of the board of education of
4 every school district and technology center school district, if
5 necessary, shall be conducted on the ~~second~~ third Tuesday in
6 ~~February~~ June of each even-numbered year, ~~except in any year when a~~
7 ~~Presidential Preferential Primary is held in February, then the~~
8 ~~election shall be held on the same day as the Presidential~~
9 ~~Preferential Primary~~ and every two (2) years thereafter.

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

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

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

1 February of each year, except in any year when a Presidential
2 Preferential Primary is held in February, then the election shall be
3 held on the same day as the Presidential Preferential Primary.

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

7 SECTION 2. AMENDATORY 70 O.S. 2021, Section 5-107A, is
8 amended to read as follows:

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

13 A. For purposes of this section, temporary positions added to a
14 board of education pursuant to Section 7-101 or 7-105 of this title
15 and the chair of the board of education elected pursuant to Section
16 ~~4~~ 5-107B of this ~~act~~ title shall not be considered in determining
17 the size of the board. The number and term of each board of
18 education shall be as follows:

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

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1 2. Districts having a seven-

2 member board unless an

3 election is conducted

4 pursuant to subsection C of

5 this section

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

8 1. a. Between August 1 and December 31 of the year following

9 the submission by the United States Department of

10 Commerce to the President of the United States of the

11 official Federal Decennial Census, the board of

12 education shall reapportion the territory of the

13 school district into board districts. Beginning with

14 the reapportionment following the 1990 Federal

15 Decennial Census, all boundaries of board districts

16 shall follow clearly visible, definable and observable

17 physical boundaries which are based upon criteria

18 established and recognized by the Bureau of the Census

19 of the United States Department of Commerce for

20 purposes of defining census blocks for its decennial

21 census and shall follow, as much as is possible,

22 precinct boundaries. Board districts shall be

23 compact, contiguous and shall be as equal in

24 population as practical with not more than a ten

1 percent (10%) variance between the most populous and
2 least populous board districts.

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

8 c. Elementary school districts shall have board members
9 elected at large.

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

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

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

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

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

18 b. If, in the election, one candidate has a majority of
19 all votes cast, then a run-off election is not
20 required. If no candidate receives a majority of all
21 votes cast, then the two candidates receiving the
22 greatest number of votes shall become the candidates
23 for the board district in the general election, and
24

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

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

21 After such resolution or election, the board shall reapportion
22 the district, determining by resolution or by lot which board member
23 offices shall be abolished at the end of the current board member's
24 term and which shall become one of the offices of the new board.

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 | COMMITTEE REPORT BY: COMMITTEE ON ELECTIONS AND ETHICS, dated
6 | 02/14/2024 - DO PASS, As Amended.
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