

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3563

By: Banning

AS INTRODUCED

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

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

SECTION 1. AMENDATORY 26 O.S. 2021, Section 13A-103, is amended to read as follows:

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~~ 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~~ 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.~~

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 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
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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 ~~4~~ 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:

District	Members	Term (Years)
Elementary	3	3 <u>2</u>
Independent		
1. Districts having a five-member board	5	5 <u>4</u>
2. Districts having a seven- member board unless an election is conducted pursuant to subsection C of 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
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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
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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
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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~~ 2026, 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~~ 2026, 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, 2024.

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