

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1284

By: Prieto

AS INTRODUCED

An Act relating to boards of education; amending 26 O.S. 2021, Section 13A-105, which relates to filing declarations of candidacy; clarifying filing dates for candidates in a regular election; providing for candidate filing in a special election; amending 26 O.S. 2021, Section 13A-110, which relates to board of education vacancies; directing vacancies to be filled by election; removing language providing for vacancies to be filled by appointment; providing special election process to fill vacancy; removing language regarding appointment of members; modifying certain appointment authority; removing language requiring a special election if vacancy is not filled within certain time period; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 26 O.S. 2021, Section 13A-105, is amended to read as follows:

Section 13A-105. Candidates for member of the board of education of every school district or technology center school district shall file declarations of candidacy in the same place and with the same officials as candidates for county office. The declaration of candidacy to be signed by the candidate shall have an

1 attachment to be signed by the candidate listing the requirements of
2 a candidate for election or reelection to a school board as set
3 forth in Sections 13A-106 and 5-105a of this title and Sections 5-
4 110, 5-110.1, and 5-113 of Title 70 of the Oklahoma Statutes, and
5 the candidate shall swear or affirm that he or she is eligible to
6 run for the office or serve in the office if elected. Candidates
7 for a school board office to be filled in the regular election as
8 provided in subsection A of Section 13A-103 of this title shall file
9 on the first Monday in December through the following Wednesday.
10 Candidates for a school board office to be filled in a special
11 election shall file on a Monday through the following Wednesday that
12 is at least ten (10) days after the seat has been declared vacant.

13 For school districts and technology center school districts located
14 in more than one county, filing may be either in the county wherein
15 supervision of the district is located or in the county where the
16 candidate resides.

17 SECTION 2. AMENDATORY 26 O.S. 2021, Section 13A-110, is
18 amended to read as follows:

19 Section 13A-110. A. ~~Except as provided for in subsection F of~~
20 ~~this section, vacancies~~ Vacancies for members of the board of
21 education of every school district or technology center school
22 district shall be filled by ~~appointment by the board~~ election for
23 the balance of the unexpired term.

1 B. Except as provided for in subsection D of this section,
2 ~~persons appointed to fill such vacancies in the first half of the~~
3 ~~term of office for the board position shall serve only until the~~
4 ~~next succeeding election, at which time the office which they hold~~
5 ~~shall be placed on the ballot for the balance of the unexpired term.~~
6 ~~Vacancies filled by appointment following the delivery of the~~
7 ~~resolution calling for regular elections to the secretary of the~~
8 ~~county election board shall be filled until the regular elections~~
9 ~~the following year~~ upon notification of a vacancy, the board of
10 education shall make a vacancy declaration at its next regularly
11 scheduled meeting, set the filing dates for declarations of
12 candidacy, and adopt the resolution calling for a special election
13 as provided for in Section 13A-109 of this title. If the vacancy is
14 declared within the first fourteen (14) days of November, the board
15 of education shall use the regular election process provided for in
16 subsection A of Section 13A-103 of this title to fill the office.
17 If the vacancy is declared at any other time of the year, the board
18 of education shall call for a special election as provided for in
19 subsection C of Section 13A-103 of this title and Section 13A-109 of
20 this title. The special election shall be held no later than
21 seventy-five (75) days after the vacancy is declared, and the
22 special filing period shall be scheduled as required in subsection D
23 of Section 13A-109 of this title. Persons elected to fill unexpired
24 terms shall begin those terms at the next regular meeting of the

1 board of education following the election. ~~Persons appointed to~~
2 ~~fill such vacancies after the first half of the term of office for~~
3 ~~the board position shall serve for the balance of the unexpired~~
4 ~~term.~~

5 C. Except as provided for in subsection D of this section, no
6 person shall be ~~appointed~~ elected to a board of education who does
7 not meet the eligibility qualifications needed to be a candidate for
8 such position as provided for in Section 13A-106 of this title and
9 Sections 5-110, 5-110.1, and 5-113 of Title 70 of the Oklahoma
10 Statutes.

11 D. If after the filing period is closed no candidate for an
12 open position on a board of education of a school district has filed
13 and therefore a vacancy is created, the vacancy shall be filled by
14 appointment by the ~~board~~ Superintendent of Public Instruction.

15 Persons appointed to fill such vacancies shall not be required to
16 reside in the board or election district but shall be required to
17 reside in the school district and to meet the other eligibility
18 qualifications needed to be a candidate for the position as provided
19 for in Section 13A-106 of this title and Sections 5-110, 5-110.1,
20 and 5-113 of Title 70 of the Oklahoma Statutes. Persons appointed
21 to fill vacancies as provided for in this subsection shall be
22 eligible to serve only for the balance of the term.

23 ~~E. If the board of education does not fill the vacancy by~~
24 ~~appointment within sixty (60) days of the date the board declared~~

1 ~~the seat vacant, the board of education shall call a special~~
2 ~~election to fill the vacancy for the unexpired term. The special~~
3 ~~election shall be called on a date established by subsection B of~~
4 ~~Section 3-101 of this title, and the special filing period shall be~~
5 ~~scheduled as required in subsection D of Section 13A-109 of this~~
6 ~~title.~~

7 F. If vacancies occur which result in a loss of a majority of
8 members of the board of education of a school district or technology
9 center school district, the Governor shall appoint a member or
10 members necessary to constitute a quorum to the board of education
11 pursuant to the authority granted by Section 13 of Article VI of the
12 Oklahoma Constitution. Such appointment shall be consistent with
13 the requirements of this section and shall only be for the remainder
14 of the term of office.

15 SECTION 3. This act shall become effective July 1, 2024.

16 SECTION 4. It being immediately necessary for the preservation
17 of the public peace, health, or safety, an emergency is hereby
18 declared to exist, by reason whereof this act shall take effect and
19 be in full force from and after its passage and approval.
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21 59-2-2975

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