

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 SENATE BILL 1010

By: Brecheen

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5  
6 AS INTRODUCED

7 An Act relating to elections of political  
8 subdivisions; amending 11 O.S. 2011, Sections 15-109  
9 and 16-112, as amended by Section 4, Chapter 380,  
10 O.S.L. 2015 (11 O.S. Supp. 2017, Section 16-112),  
11 which relate to municipal elections; amending 19 O.S.  
12 2011, Section 389, which relates to county elections;  
13 26 O.S. 2011, Sections 12-116 and 13A-103, which  
14 relates to special elections; amending 70 O.S. 2011,  
15 Sections 14-108 and 15-101, which relate to school  
16 district and technology center school district  
17 elections; requiring that questions relating to  
18 taxation submitted to voters at date other than  
19 general election date to be voted on by certain  
20 percentage of voters to be valid; providing for  
21 resubmission of question at general election; and  
22 providing an effective date.

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

24 SECTION 1. AMENDATORY 11 O.S. 2011, Section 15-109, is  
amended to read as follows:

Section 15-109. Whenever a referendum is demanded against any  
measure passed by the municipal governing body, or whenever an  
initiative petition demands an amendment to the municipal charter,  
the question shall be submitted to the registered voters of the  
municipality for their approval or rejection at a special election

1 called by the municipal governing body for that purpose or at the  
2 next general election, general municipal election or biennial or  
3 special town meeting if the municipality is subject to the Oklahoma  
4 Town Meeting Act; provided, a referendum or initiative petition  
5 relating to taxation shall only be permitted to be submitted to the  
6 registered voters of the municipality for their approval or  
7 rejection as provided in subsection C of Section 12-116 of Title 26  
8 of the Oklahoma Statutes.

9 SECTION 2. AMENDATORY 11 O.S. 2011, Section 16-112, as  
10 amended by Section 4, Chapter 380, O.S.L. 2015 (11 O.S. Supp. 2017,  
11 Section 16-112), is amended to read as follows:

12 Section 16-112. When the municipal governing body shall deem it  
13 advisable, it may, by resolution or ordinance, authorize the mayor  
14 to call a special election on a date established in Section 3-101 of  
15 Title 26 of the Oklahoma Statutes for the purpose of submitting to  
16 the registered voters of the municipality the question of issuing  
17 municipal bonds, of granting any franchise, or for any other purpose  
18 authorized by law; provided, a question relating to taxation shall  
19 only be permitted to be submitted to the registered voters of the  
20 municipality for their approval or rejection as provided in  
21 subsection C of Section 12-116 of Title 26 of the Oklahoma Statutes.

22 SECTION 3. AMENDATORY 19 O.S. 2011, Section 389, is  
23 amended to read as follows:

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1 Section 389. A. When a petition is to be circulated in all or  
2 a portion of a county, on a question which if approved by the voters  
3 would require additional taxes or assessments or a continuation of  
4 taxes or assessments, notice of circulation of the petition shall be  
5 filed with the county clerk of the county prior to the petition  
6 being circulated for signatures. The period of time for the  
7 gathering of signatures shall begin on the day after such filing and  
8 shall not exceed one (1) year, unless otherwise provided by law.  
9 The provisions of this section shall apply to all petitions to be  
10 circulated in all or a portion of a county, if the provisions  
11 thereof would require additional taxes or assessments, including but  
12 not limited to, those authorized by the following provisions of law:

- 13 1. Section 782 of Title 19 of the Oklahoma Statutes;
- 14 2. Section 872 of Title 19 of the Oklahoma Statutes;
- 15 3. Section 901.2 of Title 19 of the Oklahoma Statutes;
- 16 4. Section 902.2 of Title 19 of the Oklahoma Statutes;
- 17 5. Section 1204 of Title 19 of the Oklahoma Statutes; and
- 18 6. Section 1236 of Title 19 of the Oklahoma Statutes.

19 B. When any petition is to be circulated in all or a portion of  
20 a county, each page of the petition shall contain a notice  
21 prominently displayed at the top in at least twelve-point type which  
22 reads "THIS IS A PETITION". The first page of the petition shall  
23 contain a summary of the contents of the petition, which shall be  
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1 made available to any person who is or may be eligible to sign the  
2 petition.

3 C. If the question submitted to voters based upon an election  
4 conducted pursuant to a circulated petition does not receive  
5 approval, a subsequent petition regarding the same question may be  
6 circulated beginning on the thirtieth day following the election  
7 date at which the question did not receive approval.

8 D. If a petition governed by the provisions of this section is  
9 circulated for signatures that does not result in a vote on the  
10 question, any subsequent petition with respect to the same question  
11 shall indicate on each page of the petition that a prior petition  
12 with respect to the same question has previously been circulated.

13 E. A question which if approved by the voters would require  
14 additional taxes or assessments or a continuation of taxes or  
15 assessments shall only be permitted to be submitted to the  
16 registered voters of the county for their approval or rejection as  
17 provided in subsection C of Section 12-116 of Title 26 of the  
18 Oklahoma Statutes.

19 SECTION 4. AMENDATORY 26 O.S. 2011, Section 12-116, is  
20 amended to read as follows:

21 Section 12-116. A. In the event the Governor or the  
22 Legislature shall call for a special statewide election on any  
23 measure to be submitted to a vote of the people, the election shall  
24 be held not fewer than seventy (70) days from the date the election

1 is called. Such special statewide election may be on the same date  
2 as a primary or general election or may be on some other date set by  
3 the Governor or the Legislature.

4 B. In the event the board of county commissioners or the  
5 governing body of a municipality or school district or technology  
6 center school district or any other governmental subdivision calls  
7 for a special election on any question, the election shall be held  
8 not fewer than sixty (60) days from the date the election is called;  
9 provided, that a special election called by a school or technology  
10 center school district to be held on the date of the annual school  
11 runoff election shall not be held fewer than forty-five (45) days  
12 from the date the special election is called. A special election to  
13 fill a vacancy for member of the board of education of a school  
14 district or to fill a vacancy for municipal office shall be  
15 scheduled not fewer than sixty (60) days from the date the election  
16 is called.

17 C. Notwithstanding the provisions of this section, if a  
18 question relating to taxation is submitted to the registered voters  
19 of a county, municipality or school district for their approval or  
20 rejection at an election other than a general election and fewer  
21 than twenty percent (20%) of the voters eligible to vote at such  
22 election do so, the election shall be deemed invalid and the  
23 question shall be resubmitted to the voters at the next general  
24 election.

1 SECTION 5. AMENDATORY 26 O.S. 2011, Section 13A-103, is  
2 amended to read as follows:

3 Section 13A-103. A. The election of members of the board of  
4 education of every school district and technology center school  
5 district shall be conducted on the second Tuesday in February of  
6 each year, except in any year when a Presidential Preferential  
7 Primary is held in February, then the election shall be held on the  
8 same day as the Presidential Preferential Primary.

9 If no candidate receives more than fifty percent (50%) of the  
10 votes cast in the election provided for in this subsection, an  
11 election between the two candidates with the highest number of votes  
12 shall be conducted on the first Tuesday in April of that year.

13 B. Elections on the question of making a levy or levies for  
14 schools under Section 9, Section 9B or Section 10 of Article X of  
15 the Oklahoma Constitution shall be held on the second Tuesday in  
16 February of each year, except in any year when a Presidential  
17 Preferential Primary is held in February, then the election shall be  
18 held on the same day as the Presidential Preferential Primary.

19 C. The board of education of every school district or  
20 technology center school district may call a special election for  
21 the purpose of voting on any matter or question authorized by law;  
22 provided, a question relating to taxation shall only be permitted to  
23 be submitted to the registered voters of the school district or  
24 technology center school district for their approval or rejection as

1 provided in subsection C of Section 12-116 of Title 26 of the  
2 Oklahoma Statutes.

3 SECTION 6. AMENDATORY 70 O.S. 2011, Section 14-108, is  
4 amended to read as follows:

5 Section 14-108. A. The State Board of Career and Technology  
6 Education shall prescribe criteria and procedures for the  
7 establishment and governance of technology center school districts,  
8 as provided by Section 9B~~7~~ of Article X~~7~~ of the Oklahoma  
9 Constitution, and such districts so established shall be operated in  
10 accordance with rules of the State Board of Career and Technology  
11 Education, except as otherwise provided in this title.

12 B. A technology center school district shall be a body  
13 corporate and shall possess the usual powers of a corporation for  
14 public purposes. Its official name shall be designated by the State  
15 Board of Career and Technology Education, in which name it may sue  
16 and be sued, and be capable of contracting and being contracted  
17 with, and holding real and personal estate.

18 C. The governing board of a technology center school district  
19 shall be a board of education consisting of not less than five (5)  
20 nor more than seven (7) members. Except as otherwise provided for  
21 in subsection D of this section, all members of the board of  
22 education shall be elected in a manner prescribed by the State Board  
23 of Career and Technology Education. The State Board shall

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1 promulgate rules prescribing the manner in which the elections  
2 required by this subsection are held.

3 D. In a technology center school district that serves seventy  
4 or more public school districts, the territory of the school  
5 district shall be divided into district zones by the State Board of  
6 Career and Technology Education. Between August 1 and December 31  
7 of the year following the submission by the United States Department  
8 of Commerce to the President of the United States of the official  
9 Federal Decennial Census, the Board shall reapportion the territory  
10 of the technology center school district into district zones. All  
11 boundaries of district zones shall follow clearly visible,  
12 definable, and observable physical boundaries which are based upon  
13 criteria established and recognized by the Bureau of the Census of  
14 the United States Department of Commerce for purposes of defining  
15 census blocks for its decennial census and shall follow, as much as  
16 possible, precinct boundaries. District zones shall be compact,  
17 contiguous and shall be as equal in population as practical with not  
18 more than a five-percent variance between the most populous and  
19 least populous district zones. The board of education of a  
20 technology center school district shall consist of one member  
21 elected from each of the district zones of the school district  
22 created pursuant to this subsection. The electors of each district  
23 zone shall elect a person, who is a resident of the district zone,  
24 to represent the district zone on the school board. If during the



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

5 The State Board of Career and Technology Education shall promulgate  
6 rules prescribing the manner in which the elections required by this  
7 subsection are held.

8 E. The board of education of a technology center school  
9 district shall have the same powers and duties that boards of  
10 education of independent school districts have. It may require  
11 nonresident students to pay reasonable tuition fees, which may be  
12 paid for a student by the independent or elementary school district  
13 in which the student resides.

14 F. An election to vote on the question of making a levy of not  
15 to exceed five (5) mills on the dollar valuation of the taxable  
16 property in a technology center school district under the provisions  
17 of subsection A~~7~~ of Section 9B~~7~~ of Article X~~7~~ of the Oklahoma  
18 Constitution, shall be called by the board of education and  
19 conducted by the county election board of such district in the same  
20 manner that elections for emergency levies in school districts under  
21 the provisions of Section 9(d)~~7~~ of Article X~~7~~ of the Oklahoma  
22 Constitution, are called and conducted. When such levy is approved  
23 by a majority of the electors of the technology center school  
24 district voting on the question at such election, the levy shall be

1 made each fiscal year thereafter until repealed by a majority of the  
2 electors of the district voting on the question at an election  
3 called for such purpose. An election to vote on the question of  
4 making a local incentive levy of not to exceed five (5) mills on the  
5 dollar valuation of the taxable property in a technology center  
6 school district under the provisions of subsection B of Section 9B  
7 of Article X of the Oklahoma Constitution, may be called by the  
8 board of education; and elections on a levy for a building fund for  
9 an area school district under the provisions of Section 10~~7~~ of  
10 Article X~~7~~ of the Oklahoma Constitution, shall be called by the  
11 board of education of such district and conducted by the county  
12 election board in the same manner that elections for similar levies  
13 are called and conducted in independent school districts. Provided,  
14 such an election shall only be permitted to be submitted to the  
15 registered voters of the technology center school district for their  
16 approval or rejection as provided in subsection C of Section 12-116  
17 of Title 26 of the Oklahoma Statutes.

18 G. Annual estimates of needs of technology center school  
19 districts shall be made and approved in the same manner that those  
20 of independent school districts are made and approved. Provided,  
21 that the State Board of Career and Technology Education shall  
22 prescribe a list of appropriation accounts by which the funds of  
23 technology center school districts shall be budgeted, accounted for  
24 and expended. Any such estimate of needs may include an estimate of

1 federal funds as probable income from sources other than ad valorem  
2 tax of the district and other than any excise or other tax assessed  
3 by legislative enactment and distributed in lieu of ad valorem  
4 taxes. If a technology center school district lies in more than one  
5 county, the district's estimate of needs shall be filed with and  
6 approved by the county excise board of the county designated by the  
7 school district board of education.

8 H. Territory may be annexed to or detached from a technology  
9 center school district, in accordance with rules prescribed by the  
10 State Board of Career and Technology Education. If the State Board  
11 of Career and Technology Education requires the submission of a  
12 petition in order for an election to be called for the purpose of  
13 annexation or deannexation of territory to a technology center  
14 school district, such petition shall not be required to bear a  
15 number of technology center school district electors' signatures  
16 which exceed fifty percent (50%) of the number of technology center  
17 school district electors who voted in the last school board election  
18 in the territory proposed to be annexed or deannexed. Provided, the  
19 period of time from which the petition is initiated to its time of  
20 filing with the State Board shall not exceed ninety (90) days.

21 I. Schools of technology center school districts shall be  
22 subject to classification, inspection and accreditation by the State  
23 Board of Education.

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1 J. The technology center school board of education may  
2 designate a county treasurer to serve as treasurer of the school  
3 district or may appoint an independent treasurer.

4 K. Within four (4) years after the creation of a technology  
5 center school district, such school district may, at its discretion,  
6 permit a teacher to transfer any or all accrued benefits upon  
7 employment including credit for years of service in the previous  
8 school district by the technology center school district, if the  
9 teacher at the time of hiring is employed as a teacher by an  
10 independent or elementary school district which is all or partly  
11 within the boundaries of the technology center school district or is  
12 employed as a teacher in a skills center within the boundaries of  
13 the school district.

14 L. The board of education of a technology center school  
15 district may convey surplus personal property without consideration  
16 to:

17 1. A school district that is within the boundary of the  
18 technology center school district;

19 2. A public school offering secondary level education which was  
20 created and is operated by the State of Oklahoma and that is within  
21 the boundary of the technology center school district;

22 3. A technology center school district; or

23 4. The Oklahoma Department of Career and Technology Education  
24 for the support or delivery of department initiatives.

1 M. The board of education of a technology center school  
2 district may, without prior approval of the State Board of Career  
3 and Technology Education, approve all plans and specifications for  
4 technology center school buildings, additions, and major  
5 modifications to school buildings that are designed to provide for  
6 the offering of vocational-technical education programs and services  
7 when the cost of the building project is to be paid with local  
8 levies or state bond monies or both local levies and state bond  
9 monies.

10 SECTION 7. AMENDATORY 70 O.S. 2011, Section 15-101, is  
11 amended to read as follows:

12 Section 15-101. Whenever it shall become necessary for the  
13 board of education of any school district to raise sufficient funds  
14 for the purchase of a school site or sites, or to erect or purchase  
15 and equip a suitable school building or buildings, either or both,  
16 or for the purpose of making repairs to an existing school building  
17 or buildings, or for the purchase of school furniture and fixtures,  
18 or for making improvements to any school site or sites, either or  
19 both, it shall be lawful for such board of education to borrow money  
20 for which it is hereby authorized and empowered to issue bonds  
21 bearing a rate of interest not exceeding seven percent (7%) per  
22 annum, payable semiannually, at such place as may be shown on the  
23 face of such bonds, which bonds shall be payable serially as  
24 otherwise provided by law in not more than twenty-five (25) years

1 from date; and the board of education is hereby authorized and  
2 empowered to sell such bonds at not less than their par value;  
3 provided, ~~before:~~

4 1. Before any bonds shall be issued, the board of education  
5 shall cause an election to be held in such district as herein  
6 provided; ~~provided, further, bonds~~

7 2. Bonds may be voted in one issue and at the same election for  
8 any or all of the purposes hereinbefore enumerated; and

9 3. Such an election shall only be permitted to be submitted to  
10 the registered voters of the school district for their approval or  
11 rejection as provided in subsection C of Section 12-116 of Title 26  
12 of the Oklahoma Statutes.

13 SECTION 8. This act shall become effective November 1, 2018.

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