

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1367

By: Thompson (Kristen)

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6 AS INTRODUCED

7 An Act relating to boards of education; amending 26
8 O.S. 2021, Section 13A-105, which relates to filing
9 declarations of candidacy; clarifying filing dates
10 for candidates in a regular election; providing for
11 candidate filing in a special election; amending 26
12 O.S. 2021, Section 13A-109, which relates to board of
13 education election resolutions; requiring notices
14 including certain vacancies to be posted on certain
15 website and distributed via email; amending 26 O.S.
16 2021, Section 13A-110, which relates to board of
17 education vacancies; directing vacancies to be filled
18 by election; removing language; providing for
19 vacancies to be filled by appointment; providing
20 special election process to fill vacancy; removing
21 language regarding appointment of members; requiring
22 a board of education to provide a public comment
23 period prior to certain meeting; requiring certain
24 in-person public comment period prior to certain
25 discussion and vote; removing language requiring a
26 special election if vacancy is not filled within
27 certain time period; providing an effective date; and
28 declaring an emergency.

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

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

33 Section 13A-105. Candidates for member of the board of
34 education of every school district or technology center school
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1 district shall file declarations of candidacy in the same place and
2 with the same officials as candidates for county office. The
3 declaration of candidacy to be signed by the candidate shall have an
4 attachment to be signed by the candidate listing the requirements of
5 a candidate for election or reelection to a school board as set
6 forth in Sections 13A-106 and 5-105a of this title and Sections 5-
7 110, 5-110.1, and 5-113 of Title 70 of the Oklahoma Statutes, and
8 the candidate shall swear or affirm that he or she is eligible to
9 run for the office or serve in the office if elected. Candidates
10 for a school board office to be filled in the regular election as
11 provided in subsection A of Section 13A-103 of this title shall file
12 on the first Monday in December through the following Wednesday.
13 Candidates for a school board office to be filled in a special
14 election shall file on a Monday through the following Wednesday that
15 is at least ten (10) days after the seat has been declared vacant.
16 For school districts and technology center school districts located
17 in more than one county, filing may be either in the county wherein
18 supervision of the district is located or in the county where the
19 candidate resides.

20 SECTION 2. AMENDATORY 26 O.S. 2021, Section 13A-109, is
21 amended to read as follows:

22 Section 13A-109. A. The board of education of every school
23 district and technology center school district shall notify, by
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1 resolution, the secretary of the county election board responsible
2 for certifying its election of any regular or special election.

3 B. The resolution calling for an election or elections shall
4 include, but shall not be limited to, the following information:

5 1. Date or dates of the election or elections;

6 2. Identification of the office or offices to be filled,
7 qualifications of candidates for office, and the length of term of
8 each;

9 3. Information describing election districts within the school
10 district, if applicable;

11 4. Ballot titles of the question or questions to be voted upon;

12 5. Information describing the persons eligible to vote in the
13 election; and

14 6. All other information necessary for conducting the election
15 or elections.

16 C. Resolutions calling for regular elections shall be delivered
17 to the secretary of the county election board no fewer than fifteen
18 (15) days preceding the first day of the filing period established
19 in Section 13A-105 of this title. The resolution shall contain all
20 questions to be voted upon at the election to be held on the day as
21 required in Section 13A-103 of this title.

22 D. Resolutions calling for special elections shall be delivered
23 to the secretary of the county election board no fewer than sixty
24 (60) days preceding the election. A special filing period, if

1 necessary, shall be scheduled for three days and shall begin not
2 more than twenty (20) days following the date the resolution is
3 required to be submitted to the county election board.

4 E. In addition to notifying the secretary of the county
5 election board of the election by resolution as required in this
6 section:

7 1. For elections of members of the board of education of a
8 school district, the board shall also publish a legal notice for
9 each regular and special election in one issue of a legal newspaper
10 of the county, as defined by Section 106 of Title 25 of the Oklahoma
11 Statutes, in the county wherein the school district administrative
12 office is located at least ten (10) days prior to the filing period
13 and shall issue a news release of the upcoming filing period and
14 election to a newspaper of general circulation in the county wherein
15 the school district administrative office is located. The legal
16 notice and press release shall include, but shall not be limited to,
17 the dates of the filing period for the election or elections and the
18 office or offices to be filled. The notice shall also be posted at
19 the school district administrative offices and county election board
20 offices. If the notice includes a vacancy declaration on the board
21 of education of a school district as provided for in Section 13A-110
22 of this title, the notice shall also be posted on the school
23 district's website and distributed via email to parents and legal
24 guardians of students enrolled in the district; and

1 2. For elections of members of the board of education of a
2 technology center school district, the board shall also publish a
3 legal notice for each regular and special election in one issue of a
4 legal newspaper of the county, as defined by Section 106 of Title 25
5 of the Oklahoma Statutes, in each county wherein the school district
6 is a member in the technology center district at least ten (10) days
7 prior to the filing period. Additionally, the technology center
8 school district shall issue a news release of the upcoming filing
9 period and election to a newspaper of general circulation in each
10 county wherein the school district is a member in the technology
11 center district. The legal notice and press release shall include,
12 but shall not be limited to, the dates of the filing period for the
13 election or elections and the office or offices to be filled. The
14 notice shall also be posted in each county at the technology center
15 school district administrative offices, if such office exists in the
16 county, and county election board office in each county. If the
17 notice includes a vacancy declaration on the board of education of a
18 technology center school district as provided for in Section 13A-110
19 of this title, the notice shall also be posted on the technology
20 center school district's website and distributed via email to
21 students enrolled in the district.

22 SECTION 3. AMENDATORY 26 O.S. 2021, Section 13A-110, is
23 amended to read as follows:

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1 Section 13A-110. A. ~~Except as provided for in subsection F of~~
2 ~~this section, vacancies~~ Vacancies for members of the board of
3 education of every school district or technology center school
4 district shall be filled by ~~appointment by the board~~ an election for
5 the balance of the unexpired term.

6 B. Except as provided for in subsection D of this section,
7 ~~persons appointed to fill such vacancies in the first half of the~~
8 ~~term of office for the board position shall serve only until the~~
9 ~~next succeeding election, at which time the office which they hold~~
10 ~~shall be placed on the ballot for the balance of the unexpired term.~~
11 ~~Vacancies filled by appointment following the delivery of the~~
12 ~~resolution calling for regular elections to the secretary of the~~
13 ~~county election board shall be filled until the regular elections~~
14 ~~the following year~~ upon notification of a vacancy, the board of
15 education shall make a vacancy declaration at its next regularly
16 scheduled meeting, set the filing dates for declarations of
17 candidacy, and adopt the resolution calling for a regular or special
18 election as provided for in Section 13A-109 of this title. If the
19 vacancy is declared within the first fourteen (14) days of November,
20 the board of education shall use the regular election process
21 provided for in subsection A of Section 13A-103 of this title to
22 fill the office. If the vacancy is declared at any other time of
23 the year, the board of education shall call for a special election
24 as provided for in subsection C of Section 13A-103 of this title and

1 Section 13A-109 of this title. The special election shall be called
2 on a date established by subsection B of Section 3-101 of this
3 title, and the special filing period shall be scheduled as required
4 in subsection D of Section 13A-109 of this title. Persons elected
5 to fill unexpired terms shall begin those terms at the next regular
6 meeting of the board of education following the election. ~~Persons~~
7 ~~appointed to fill such vacancies after the first half of the term of~~
8 ~~office for the board position shall serve for the balance of the~~
9 ~~unexpired term.~~

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

16 D. If after the filing period is closed no candidate for an
17 open position on a board of education of a school district has filed
18 and therefore a vacancy is created, the vacancy shall be filled by
19 appointment by the board. Persons appointed to fill such vacancies
20 shall not be required to reside in the board or election district
21 but shall be required to reside in the school district and to meet
22 the other eligibility qualifications needed to be a candidate for
23 the position as provided for in Section 13A-106 of this title and
24 Sections 5-110, 5-110.1, and 5-113 of Title 70 of the Oklahoma

1 Statutes. Prior to holding a meeting to fill a vacancy as required
2 by this subsection, the board of education shall provide a fourteen-
3 day public comment period during which interested parties may submit
4 comments via email or on a form provided on the school district's
5 website. Additionally, prior to the discussion and possible vote to
6 fill a vacancy as required by this subsection, the board of
7 education shall provide for an in-person public comment period,
8 subject to reasonable time limitations. Persons appointed to fill
9 vacancies as provided for in this subsection shall be eligible to
10 serve only for the balance of the term.

11 ~~E. If the board of education does not fill the vacancy by~~
12 ~~appointment within sixty (60) days of the date the board declared~~
13 ~~the seat vacant, the board of education shall call a special~~
14 ~~election to fill the vacancy for the unexpired term. The special~~
15 ~~election shall be called on a date established by subsection B of~~
16 ~~Section 3-101 of this title, and the special filing period shall be~~
17 ~~scheduled as required in subsection D of Section 13A-109 of this~~
18 ~~title.~~

19 ~~F.~~ If vacancies occur which result in a loss of a majority of
20 members of the board of education of a school district or technology
21 center school district, the Governor shall appoint a member or
22 members necessary to constitute a quorum to the board of education
23 pursuant to the authority granted by Section 13 of Article VI of the
24 Oklahoma Constitution. Such appointment shall be consistent with

1 the requirements of this section and shall only be for the remainder
2 of the term of office.

3 SECTION 4. This act shall become effective July 1, 2024.

4 SECTION 5. It being immediately necessary for the preservation
5 of the public peace, health, or safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval.

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