

1 **SENATE FLOOR VERSION**

2 March 24, 2021

3 ENGROSSED HOUSE
4 BILL NO. 1963

By: Nollan and Dills of the
House

5 and

6 Stanley of the Senate

7
8
9 An Act relating to elections; amending 26 O.S. 2011,
10 Section 13A-110, as last amended by Section 1,
11 Chapter 356, O.S.L. 2016 (26 O.S. Supp. 2020, Section
12 13A-110), which relates to vacancies of certain
13 boards of education; requiring Governor appointment
14 for certain vacancies that result in a loss of a
15 majority of board of education members; and providing
16 an effective date.

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

18 SECTION 1. AMENDATORY 26 O.S. 2011, Section 13A-110, as
19 last amended by Section 1, Chapter 356, O.S.L. 2016 (26 O.S. Supp.
20 2020, Section 13A-110), is amended to read as follows:

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

B. Except as provided for in subsection D of this section,
persons appointed to fill such vacancies in the first half of the

1 term of office for the board position shall serve only until the
2 next succeeding election, at which time the office which they hold
3 shall be placed on the ballot for the balance of the unexpired term.
4 Vacancies filled by appointment following the delivery of the
5 resolution calling for regular elections to the secretary of the
6 county election board shall be filled until the regular elections
7 the following year. Persons elected to fill unexpired terms shall
8 begin those terms at the next regular meeting of the board of
9 education following the election. Persons appointed to fill such
10 vacancies after the first half of the term of office for the board
11 position shall serve for the balance of the unexpired term.

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

18 D. If after the filing period is closed no candidate for an
19 open position on a board of education of a school district has filed
20 and therefore a vacancy is created, the vacancy shall be filled by
21 appointment by the board. Persons appointed to fill such vacancies
22 shall not be required to reside in the board or election district
23 but shall be required to reside in the school district and to meet
24 the other eligibility qualifications needed to be a candidate for

1 the position as provided for in Section 13A-106 of this title and
2 Sections 5-110, 5-110.1 and 5-113 of Title 70 of the Oklahoma
3 Statutes. Persons appointed to fill vacancies as provided for in
4 this subsection shall be eligible to serve only for the balance of
5 the term.

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

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

22 SECTION 2. This act shall become effective November 1, 2021.

23 COMMITTEE REPORT BY: COMMITTEE ON RULES
24 March 24, 2021 - DO PASS