

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 1963

By: Nollan

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5  
6 AS INTRODUCED

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

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

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

19 Section 13A-110. A. Vacancies Except as provided for in  
20 subsection F of this section, 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.

23 B. Except as provided for in subsection D of this section,  
24 persons appointed to fill such vacancies in the first half of the  
term of office for the board position shall serve only until the  
next succeeding election, at which time the office which they hold

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

10 C. Except as provided for in subsection D of this section, no  
11 person shall be appointed to a board of education who does not meet  
12 the eligibility qualifications needed to be a candidate for such  
13 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. Persons appointed to fill vacancies as provided for in  
2 this subsection shall be eligible to serve only for the balance of  
3 the term.

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

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

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

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22 58-1-6054 EK 12/23/20

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