

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1823 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Sherrie Conley _____

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 FLOOR SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 1823

By: Conley of the House

and

Jett of the Senate

7
8
9 FLOOR SUBSTITUTE

10 An Act relating to elections; amending 26 O.S. 2021,
11 Sections 1-101, 1-102, 3-101, 13A-103, 13A-105, and
12 13-101.1, which relate to the election code;
13 authorizing certain election dates as determined by
14 the legislature; modifying election dates; amending
15 70 O.S. 2021, Section 5-107A and 5-110.1, which
16 relate to school districts and board of education;
17 modifying terms of office; removing obsolete
18 language; modifying continuing education
19 requirements; and providing an effective date.

20
21
22 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

23 SECTION 1. AMENDATORY 26 O.S. 2021, Section 1-101, is
24 amended to read as follows:

Section 1-101. A. On the first Tuesday succeeding the first
Monday of November, 1976, and every four (4) years thereafter, a
General Election shall be held, at which time electors for President
and Vice President shall be elected. On said date, and every two

1 (2) years thereafter, United States Senators and United States
2 Representatives, whose terms expire before the next succeeding
3 General Election, and state, district and county officers, whose
4 terms expire before the next succeeding General Election, shall be
5 elected. No county, municipality or school district shall schedule
6 an election on any date during the twenty (20) days immediately
7 preceding the date of any such General Election.

8 B. On the first Tuesday after the first Monday in November of
9 every odd-numbered year, and every two (2) years thereafter, a
10 General Election may be held as determined by the Legislature.

11 SECTION 2. AMENDATORY 26 O.S. 2021, Section 1-102, is
12 amended to read as follows:

13 Section 1-102. A. A Primary Election shall be held on the last
14 Tuesday in June of each even-numbered year, at which time each
15 political party recognized by the laws of Oklahoma shall nominate
16 its candidates for the offices to be filled at the next succeeding
17 General Election, unless otherwise provided by law. No candidate's
18 name shall be printed upon the General Election ballot unless such
19 candidate shall have been nominated as herein provided, unless
20 otherwise provided by law; provided further that this provision
21 shall not exclude the right of a nonpartisan candidate to have his
22 or her name printed upon the General Election ballots. No county,
23 municipality or school district shall schedule an election on any
24

1 date during the twenty (20) days immediately preceding the date of
2 any such primary election.

3 B. On the second Tuesday of June of every odd-numbered year,
4 and every two (2) years thereafter, a Primary Election may be held
5 as determined by the Legislature.

6 SECTION 3. AMENDATORY 26 O.S. 2021, Section 3-101, is
7 amended to read as follows:

8 Section 3-101. A. No election required to be conducted by any
9 county election board shall be scheduled for a day other than
10 Tuesday.

11 B. Except as otherwise provided by law, no regular or special
12 election to fill an elective office shall be held by any county,
13 school district, technology center school district, municipality,
14 fire protection district or other political subdivision authorized
15 to call elections except as follows:

- 16 1. The second Tuesday of February in any year;
- 17 2. The first Tuesday of April in any year;
- 18 3. The date of any regularly scheduled statewide state or
19 federal election in an even-numbered year;
- 20 4. The second Tuesday of September in an odd-numbered year;
- 21 5. The ~~second~~ first Tuesday after the first Monday of November
22 in an odd-numbered year; and
- 23 6. The second Tuesday of June of an odd-numbered year ~~for a~~
24 ~~special election to fill a vacancy.~~

1 C. Except as otherwise provided by law or by Section 1 of ~~this~~
2 ~~act~~ Enrolled Senate Bill No. 347 of the 1st Session of the 58th
3 Oklahoma Legislature, no election for any purpose other than to fill
4 an elective office shall be held by any county, school district,
5 technology center school district, municipality, fire protection
6 district or other political subdivision authorized to call elections
7 except on:

8 1. The second Tuesday of January, February, May, June, July,
9 August, September, October and the first Tuesday after the first
10 Monday in November and the first Tuesday in March and April in odd-
11 numbered years; provided, a municipality with a population in excess
12 of two hundred fifty thousand (250,000) persons, according to the
13 most recent federal decennial census, may also hold an election on
14 the second Tuesday of December in odd-numbered years; and

15 2. The second Tuesday of January and February, the first
16 Tuesday in March and April, the last Tuesday in June, the fourth
17 Tuesday in August, and the first Tuesday after the first Monday in
18 November of any even-numbered year.

19 D. In the event that a regular or special election date occurs
20 on an official state holiday, the election shall be scheduled for
21 the next following Tuesday. In the event that any day of a
22 candidate filing period occurs on a Saturday, Sunday or any official
23 state holiday, that day of the filing period shall be scheduled for
24 the next business day.

1 E. Notwithstanding any other provision of law or any provision
2 of a municipal charter, any municipality, school district,
3 technology center district, county, rural fire protection district,
4 or any other entity seeking to hold a regular or special election to
5 be conducted by a county election board on the same date as a
6 regular or special federal or state election, shall file the
7 resolution calling for the election with the county election board
8 secretary no later than seventy-five (75) days prior to the election
9 date. A candidate filing period of three (3) days, if so required
10 by the resolution, shall begin no later than ten (10) days following
11 the deadline to file the resolution with the secretary of the county
12 election board; provided, the filing period for such municipal
13 office may be scheduled on the same dates as the filing period for
14 state or federal office to be filled at such election.

15 F. Any school district, technology center district,
16 municipality, including any municipality governed by charter, rural
17 fire protection district or any other entity seeking to hold a
18 special election for the purpose of filling a vacancy shall schedule
19 a candidate filing period of three (3) days to begin not more than
20 twenty (20) days following the date the resolution calling the
21 election is required to be filed with the secretary of the county
22 election board.

23 SECTION 4. AMENDATORY 26 O.S. 2021, Section 13A-103, is
24 amended to read as follows:

1 Section 13A-103. A. 1. The general election of members of the
2 board of education of every school district and technology center
3 school district shall be conducted on the first Tuesday ~~of April~~
4 after the first Monday in November of each odd-numbered year, and
5 every two (2) years thereafter.

6 2. The primary election of members of the board of education of
7 every school district and technology center school district, if
8 necessary, shall be conducted on the second Tuesday in ~~February~~ June
9 of each odd-numbered year, ~~except in any year when a Presidential~~
10 ~~Preferential Primary is held in February, then the election shall be~~
11 ~~held on the same day as the Presidential Preferential Primary~~.

12 3. If only two candidates qualify to have their names appear on
13 the ballot, the names of both candidates shall appear on the ballot
14 at the board of education general election.

15 4. If more than two candidates qualify to have their names
16 appear on the ballot, the names of all such candidates shall appear
17 on the ballot at the board of education primary election. A
18 candidate receiving more than fifty percent (50%) of the votes cast
19 in the board of education primary election shall be elected to the
20 office. If no candidate receives more than fifty percent (50%) of
21 the votes cast in the board of education primary election, then the
22 two candidates with the highest number of votes shall appear on the
23 ballot at the board of education general election.

1 B. Elections on the question of making a levy or levies for
2 schools under Section 9, Section 9B or Section 10 of Article X of
3 the Oklahoma Constitution shall be held on the second Tuesday in
4 February of each year, except in any year when a Presidential
5 Preferential Primary is held in February, then the election shall be
6 held on the same day as the Presidential Preferential Primary.

7 C. The board of education of every school district or
8 technology center school district may call a special election for
9 the purpose of voting on any matter or question authorized by law.

10 SECTION 5. AMENDATORY 26 O.S. 2021, Section 13A-105, is
11 amended to read as follows:

12 Section 13A-105. Candidates for member of the board of
13 education of every school district or technology center school
14 district shall file declarations of candidacy in the same place and
15 with the same officials as candidates for county office. The
16 declaration of candidacy to be signed by the candidate shall have an
17 attachment to be signed by the candidate listing the requirements of
18 a candidate for election or reelection to a school board as set
19 forth in Sections 13A-106 and 5-105a of this title and Sections 5-
20 110, 5-110.1, and 5-113 of Title 70 of the Oklahoma Statutes, and
21 the candidate shall swear or affirm that he or she is eligible to
22 run for the office or serve in the office if elected. Candidates
23 shall file on the first Monday in ~~December~~ April through the
24 following Wednesday, in odd-numbered years. For school districts

1 and technology center school districts located in more than one
2 county, filing may be either in the county wherein supervision of
3 the district is located or in the county where the candidate
4 resides.

5 SECTION 6. AMENDATORY 26 O.S. 2021, Section 13-101.1, is
6 amended to read as follows:

7 Section 13-101.1 No county election board shall be required to
8 conduct elections for any municipality on a date other than an
9 election date identified in subsection B of Section 3-101 of this
10 title. Municipalities that hold both primary and general elections,
11 in addition to scheduling elections on dates identified in ~~Section~~
12 Sections 1-101, 1-102, 3-101, 13A-103, and 13-101.1 of this title,
13 shall provide no fewer than thirty-five (35) days between the
14 primary and general elections.

15 SECTION 7. AMENDATORY 70 O.S. 2021, Section 5-107A, is
16 amended to read as follows:

17 Section 5-107A. The following provisions and the provisions of
18 Section 13A-101 et seq. of Title 26 of the Oklahoma Statutes shall
19 govern the election of members of the board of education for a
20 school district:

21 A. For purposes of this section, temporary positions added to a
22 board of education pursuant to Section 7-101 or 7-105 of this title
23 and the chair of the board of education elected pursuant to Section
24 ± 5-107B of this ~~act~~ title shall not be considered in determining

1 the size of the board. The number and term of each board of
2 education shall be as follows:

3	District	Members	Term (Years)
4	Elementary	3	3 <u>4</u>
5	Independent		
6	1. Districts having a five-member		
7	board	5	5 <u>4</u>
8	2. Districts having a seven-		
9	member board unless an		
10	election is conducted		
11	pursuant to subsection C of		
12	this section	7	4

13 B. In all school districts, the members of the board of
14 education shall be elected as follows:

15 1. a. Between August 1 and December 31 of the year following
16 the submission by the United States Department of
17 Commerce to the President of the United States of the
18 official Federal Decennial Census, the board of
19 education shall reapportion the territory of the
20 school district into board districts. Beginning with
21 the reapportionment following the 1990 Federal
22 Decennial Census, all boundaries of board districts
23 shall follow clearly visible, definable and observable
24 physical boundaries which are based upon criteria

1 established and recognized by the Bureau of the Census
2 of the United States Department of Commerce for
3 purposes of defining census blocks for its decennial
4 census and shall follow, as much as is possible,
5 precinct boundaries. Board districts shall be
6 compact, contiguous and shall be as equal in
7 population as practical with not more than a ten
8 percent (10%) variance between the most populous and
9 least populous board districts.

10 b. School districts having fewer than one thousand eight
11 hundred (1,800) students in average daily membership
12 during the preceding school year may choose not to
13 establish board districts and may nominate and elect
14 all board members at large.

15 c. Elementary school districts shall have board members
16 elected at large.

17 d. A city located in an independent school district
18 having four or more wards and an outlying area with
19 such outlying area comprising no more than twenty
20 percent (20%) of the population of such independent
21 school district, then such independent school district
22 may adopt such wards and outlying area in lieu of the
23 board districts provided for in subparagraph a of this
24 paragraph, and at least one member of the board of

1 education of such independent school district shall be
2 a member of each ward; and

3 2. One member of the board of education shall be elected by the
4 electors of the school district to represent each such board
5 district. Provided, however, that in any school district where the
6 electors of each board district, rather than the electors of the
7 entire school district, elect board members to represent that board
8 district, that district shall elect board members in that manner.

9 If during the term of office to which a person was elected, that
10 member ceases to be a resident of the board district for which the
11 person was elected, the office shall become vacant and such vacancy
12 shall be filled as provided in Section 13A-110 of Title 26 of the
13 Oklahoma Statutes; and

14 3. In a school district having more than ten thousand (10,000)
15 children in average daily membership, the following provision and
16 the provisions of Section 13A-101 et seq. of Title 26 of the
17 Oklahoma Statutes shall control as to election of the members of the
18 school district's board of education:

19 a. There shall be held an election in which the electors
20 of each board district in which a term is expiring or
21 in which a vacancy exists shall select two candidates
22 from among the candidates for board member to
23 represent the board district,
24

- 1 b. If, in the election, one candidate has a majority of
2 all votes cast, then a run-off election is not
3 required. If no candidate receives a majority of all
4 votes cast, then the two candidates receiving the
5 greatest number of votes shall become the candidates
6 for the board district in the general election, and
- 7 c. At the run-off election, all of the electors of the
8 board district shall select one of the two candidates
9 as the member of the board of education representing
10 the board district.

11 C. Any seven-member board shall have the option of reducing its
12 board to a five-member board either after approval of a board
13 resolution or a vote of the electors of the school district to take
14 such action pursuant to Section 13A-109 of Title 26 of the Oklahoma
15 Statutes. The election pursuant to a vote of the electors of the
16 school district shall be called upon the submission of a petition
17 requesting the election signed by ten percent (10%) of the school
18 district electors in the school district, the percentage being
19 applied to the highest number of voters voting in a regular school
20 district election in the district in the preceding five (5) years as
21 determined by the secretary of the county election board, who shall
22 certify the adequacy of the number of signatures on the petition.
23 If the question is put before the voters of the district, such
24 election shall be held along with and at the same time and place as

1 the next school election if all requirements of Section 13A-101 et
2 seq. of Title 26 of the Oklahoma Statutes for such election are met.

3 After such resolution or election, the board shall reapportion
4 the district, determining by resolution or by lot which board member
5 offices shall be abolished at the end of the current board member's
6 term and which shall become one of the offices of the new board.

7 Election of the resulting board members shall be carried out
8 according to procedures stated in this section and Section 13A-101
9 et seq. of Title 26 of the Oklahoma Statutes.

10 School board members currently serving in offices abolished
11 pursuant to this subsection shall continue serving until the end of
12 their current terms as at-large members.

13 D. Except for the chair of the board of education elected
14 pursuant to ~~Section 1 of this act~~ Section 5-107B of this title,
15 offices of members of the board of education shall be designated by
16 consecutive numbers and shall correspond with board districts when
17 applicable.

18 E. Except for those members elected prior to July 1, ~~1992~~, the
19 2024:

20 1. The terms of office of the members of a five-member board of
21 education shall be staggered and commence on the first regular,
22 special or emergency school board meeting after the date of the
23 annual school election and after the member has been certified as
24 elected as follows:

1	Office No. 1	1991 <u>2025</u>
2	Office No. 2	1992 <u>2027</u>
3	Office No. 3	1993 <u>2025</u>
4	Office No. 4	1994 <u>2027</u>
5	Office No. 5	1995 <u>2025</u>

6 2. The terms of office of the members of a seven-member board
7 of education shall be staggered, ~~with one member being elected in~~
8 ~~1991, two members being elected in 1992, two members being elected~~
9 ~~in 1993 and two members being elected in 1994 and shall~~ commence on
10 the first regular, special or emergency school board meeting after
11 the date of the annual school election and after the member has been
12 certified as elected; ~~provided, in districts needing to elect two~~
13 ~~members in 1991 to maintain a full complement of board members, two~~
14 ~~members shall be elected in 1991, one for a full term and one for a~~
15 ~~one-year term, as determined by the local board.~~ as follows:

16	<u>Office No. 1</u>	<u>2025</u>
17	<u>Office No. 2</u>	<u>2027</u>
18	<u>Office No. 3</u>	<u>2025</u>
19	<u>Office No. 4</u>	<u>2027</u>
20	<u>Office No. 5</u>	<u>2025</u>
21	<u>Office No. 6</u>	<u>2027</u>
22	<u>Office No. 7</u>	<u>2025</u>

23 If a seven-member board is formed upon consolidation pursuant to
24 Section 7-105 of this title, or upon annexation pursuant to Section

1 7-101 of this title, the formation agreement shall specify initial
2 short terms as necessary to extend until the beginning of the
3 regular terms for seven-member boards established herein.

4 Upon reduction of a seven-member board pursuant to subsection C
5 of this section, the terms of the five-member board shall be
6 staggered pursuant to this subsection.

7 ~~One member of a three-member board of education shall be elected~~
8 ~~each year, and the terms of office shall commence on the first~~
9 ~~regular, special or emergency school board meeting after the member~~
10 ~~has been certified as elected.~~

11 3. The terms of office of the members of a three-member board
12 of education shall be staggered, and commence on the first regular,
13 special or emergency school board meeting after the date of the
14 annual school election and after the member has been certified as
15 elected as follows:

16	<u>Office No. 1</u>	<u>2025</u>
17	<u>Office No. 2</u>	<u>2027</u>
18	<u>Office No. 3</u>	<u>2025</u>

19 F. The term of office of each board member elected after July
20 1, ~~1992~~ 2024, shall commence on the first regular, special or
21 emergency school board meeting after the date of the annual school
22 election and after the member has been certified as elected. Board
23 members elected prior to July 1, ~~1992~~ 2024, may remain in office
24 until their successor is elected and seated pursuant to Sections

1 13A-101 through 13A-111 of Title 26 of the Oklahoma Statutes. The
2 remaining term of any member who completes the term for which the
3 member was elected but not wishing to serve until the successor of
4 the member takes office on the first regular, special or emergency
5 school board meeting after the successor has been certified as
6 elected, shall be filled by appointment by the remaining members of
7 the board of education.

8 SECTION 8. AMENDATORY 70 O.S. 2021, Section 5-110.1, is
9 amended to read as follows:

10 Section 5-110.1 A. In addition to the requirements of Section
11 5-110 of this title, every member of a school district board of
12 education elected to a full term of office of ~~five (5)~~ four (4)
13 ~~years or more~~ shall be required to attend a minimum of ~~fifteen (15)~~
14 twelve (12) hours of continuing education, ~~each member elected to a~~
15 ~~full four-year term of office shall be required to attend a minimum~~
16 ~~of twelve (12) hours of continuing education, and each member~~
17 ~~elected to a full three-year term of office shall be required to~~
18 ~~attend a minimum of nine (9) hours of continuing education, prior to~~
19 the date set for filing for reelection to that respective board
20 seat, and every member of a school district board of education
21 elected to a partial term of office shall be required to attend a
22 minimum of three (3) hours of continuing education for each full
23 year served prior to the date set for filing for reelection to that
24 respective board seat. The continuing education courses, workshops,

1 seminars, conferences, and conventions which shall satisfy the
2 continuing education requirement shall be approved jointly by the
3 State Department of Education and the Oklahoma Department of Career
4 and Technology Education.

5 B. Local and state continuing education programs conducted
6 pursuant to the provisions of this section shall be held in all
7 regions of the state at institutions of higher learning, area
8 technology centers or other approved sites. Notice of such courses
9 and seminars shall be provided to all school board members and to
10 the public schools.

11 C. ~~This section shall not apply to those school board members~~
12 ~~who file for reelection prior to July 1, 1991.~~

13 ~~D.~~ If a school board member has not satisfied the continuing
14 education requirements of this section, the school district board of
15 education shall declare the seat of the member vacant within sixty
16 (60) days of the final date that the member has to complete the
17 requirements as indicated by receipt of the certified notice from
18 the State Board of Education as provided for pursuant to Section 5-
19 110.2 of this title and shall fill the vacancy according to law. As
20 determined by the State Board of Education pursuant to Section 5-
21 110.2 of this title, failure by a board member to satisfy the
22 continuing education requirements of this section shall result in
23 the ineligibility of the member to be reappointed to, run for
24 reelection to or to hold that respective board seat on the school

1 district board of education or to run for election to or to hold any
2 other board seat on the board of education for a two-year period.

3 ~~F.~~ D. The State Department of Education, the Oklahoma
4 Department of Career and Technology Education, and any organization
5 approved by the State Board of Education, including but not limited
6 to institutions of higher education, may charge persons attending
7 continuing education courses a registration fee sufficient to defray
8 the estimated costs of presenting the course. The registration fees
9 for each course shall be announced prior to the date of such course.

10 ~~F.~~ E. Any member of a school district board of education who
11 attends and completes a course which satisfies in part or in full
12 the requirements of this section shall be reimbursed by the school
13 district for expenses incurred. In addition, a school district
14 board of education may reimburse members of the board of education
15 for expenses incurred in registering and attending board member
16 training programs or activities approved by the board which are in
17 addition to the minimum school board training requirements
18 established by law.

19 SECTION 9. This act shall become effective November 1, 2024.

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21 59-1-8025 LRB 03/20/23

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