

1 **SENATE FLOOR VERSION**

2 February 21, 2023

3 SENATE BILL NO. 1085

By: Dahm

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5
6 An Act relating to school board elections; amending
7 70 O.S. 2021, Section 5-107A, which relates to
8 election procedure of boards of education of school
9 districts; modifying dates for reapportionment of
10 certain districts; and providing an effective date.

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

12 SECTION 1. AMENDATORY 70 O.S. 2021, Section 5-107A, is
13 amended to read as follows:

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

18 A. For purposes of this section, temporary positions added to a
19 board of education pursuant to Section 7-101 or 7-105 of this title
20 and the chair of the board of education elected pursuant to Section
21 1 of this act shall not be considered in determining the size of the
22 board. The number and term of each board of education shall be as
23 follows:

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

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

12 1. a. Between ~~August 1~~ April 8 and ~~December 31~~ August 31 of
13 the year following the submission by the United States
14 Department of Commerce to the President of the United
15 States of the official Federal Decennial Census, the
16 board of education shall reapportion the territory of
17 the school district into board districts. Beginning
18 with the reapportionment following the 1990 Federal
19 Decennial Census, all boundaries of board districts
20 shall follow clearly visible, definable and observable
21 physical boundaries which are based upon criteria
22 established and recognized by the Bureau of the Census
23 of the United States Department of Commerce for
24 purposes of defining census blocks for its decennial

1 census and shall follow, as much as is possible,
2 precinct boundaries. Board districts shall be
3 compact, contiguous and shall be as equal in
4 population as practical with not more than a ten
5 percent (10%) variance between the most populous and
6 least populous board districts.

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

12 c. Elementary school districts shall have board members
13 elected at large.

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

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

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

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

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

22 b. If, in the election, one candidate has a majority of
23 all votes cast, then a run-off election is not
24 required. If no candidate receives a majority of all

1 votes cast, then the two candidates receiving the
2 greatest number of votes shall become the candidates
3 for the board district in the general election, and

4 c. At the run-off election, all of the electors of the
5 board district shall select one of the two candidates
6 as the member of the board of education representing
7 the board district.

8 C. Any seven-member board shall have the option of reducing its
9 board to a five-member board either after approval of a board
10 resolution or a vote of the electors of the school district to take
11 such action pursuant to Section 13A-109 of Title 26 of the Oklahoma
12 Statutes. The election pursuant to a vote of the electors of the
13 school district shall be called upon the submission of a petition
14 requesting the election signed by ten percent (10%) of the school
15 district electors in the school district, the percentage being
16 applied to the highest number of voters voting in a regular school
17 district election in the district in the preceding five (5) years as
18 determined by the secretary of the county election board, who shall
19 certify the adequacy of the number of signatures on the petition.
20 If the question is put before the voters of the district, such
21 election shall be held along with and at the same time and place as
22 the next school election if all requirements of Section 13A-101 et
23 seq. of Title 26 of the Oklahoma Statutes for such election are met.

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

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

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

11 D. Except for the chair of the board of education elected
12 pursuant to Section 1 of this act, offices of members of the board
13 of education shall be designated by consecutive numbers and shall
14 correspond with board districts when applicable.

15 E. Except for those members elected prior to July 1, 1992, the
16 terms of office of the members of a five-member board of education
17 shall commence on the first regular, special or emergency school
18 board meeting after the date of the annual school election and after
19 the member has been certified as elected:

20	Office No. 1	1991
21	Office No. 2	1992
22	Office No. 3	1993
23	Office No. 4	1994
24	Office No. 5	1995

1 The terms of office of the members of a seven-member board of
2 education shall be staggered, with one member being elected in 1991,
3 two members being elected in 1992, two members being elected in 1993
4 and two members being elected in 1994 and shall commence on the
5 first regular, special or emergency school board meeting after the
6 date of the annual school election and after the member has been
7 certified as elected; provided, in districts needing to elect two
8 members in 1991 to maintain a full complement of board members, two
9 members shall be elected in 1991, one for a full term and one for a
10 one-year term, as determined by the local board. If a seven-member
11 board is formed upon consolidation pursuant to Section 7-105 of this
12 title, or upon annexation pursuant to Section 7-101 of this title,
13 the formation agreement shall specify initial short terms as
14 necessary to extend until the beginning of the regular terms for
15 seven-member boards established herein.

16 Upon reduction of a seven-member board pursuant to subsection C
17 of this section, the terms of the five-member board shall be
18 staggered pursuant to this subsection.

19 One member of a three-member board of education shall be elected
20 each year, and the terms of office shall commence on the first
21 regular, special or emergency school board meeting after the member
22 has been certified as elected.

23 F. The term of office of each board member elected after July
24 1, 1992, shall commence on the first regular, special or emergency

1 school board meeting after the date of the annual school election
2 and after the member has been certified as elected. Board members
3 elected prior to July 1, 1992, may remain in office until their
4 successor is elected and seated pursuant to Sections 13A-101 through
5 13A-111 of Title 26 of the Oklahoma Statutes. The remaining term of
6 any member who completes the term for which the member was elected
7 but not wishing to serve until the successor of the member takes
8 office on the first regular, special or emergency school board
9 meeting after the successor has been certified as elected, shall be
10 filled by appointment by the remaining members of the board of
11 education.

12 SECTION 2. This act shall become effective November 1, 2023.

13 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
14 February 21, 2023 - DO PASS
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