

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1823

By: Conley of the House

and

Jett of the Senate

7
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9 COMMITTEE SUBSTITUTE

10 An Act relating to elections; amending 11 O.S. 2021,
11 Sections 16-103, 16-107, 16-109, 16-110, and 16-213,
12 which relate to municipal elections; modifying
13 election dates; modifying terms of office; 26 O.S.
14 2021, Sections 1-101, 1-102, 3-101, 13A-103, 13A-105,
15 and 13-101.1, which relate to the election code;
16 authorizing certain election dates as determined by
17 the legislature; modifying election dates; 70 O.S.
18 2021, Section 5-107A, 5-110.1, which relate to school
19 districts and board of education; modifying terms of
20 office; removing obsolete language; modifying
21 continuing education requirements; and providing an
22 effective date.

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

24 SECTION 1. AMENDATORY 11 O.S. 2021, Section 16-103, is
amended to read as follows:

Section 16-103. General municipal elections shall be held in
cities and towns on the first Tuesday after the first Monday in
~~April~~ November in each odd-numbered year.

1 SECTION 2. AMENDATORY 11 O.S. 2021, Section 16-107, is
2 amended to read as follows:

3 Section 16-107. A primary election shall be held in cities and
4 towns on the second Tuesday of ~~February~~ June in each odd-numbered
5 year, at which time the several political parties shall nominate
6 candidates for offices which are to be elected at the upcoming
7 general municipal election.

8 SECTION 3. AMENDATORY 11 O.S. 2021, Section 16-109, is
9 amended to read as follows:

10 Section 16-109. To be eligible to become a candidate for a
11 political party nomination in a municipality's partisan primary
12 election, or an independent candidate in such municipality's general
13 election, a person must for at least six (6) months prior to filing
14 a declaration of candidacy be a registered voter at an address
15 within the municipality or in the ward if an office is from a ward.
16 To become a candidate, a declaration of candidacy must be filed with
17 the county election board no earlier than 8:00 a.m. on the first
18 Monday in ~~December~~ April and no later than 5:00 p.m. on the next
19 succeeding Wednesday, in odd-numbered years.

20 SECTION 4. AMENDATORY 11 O.S. 2021, Section 16-110, is
21 amended to read as follows:

22 Section 16-110. A candidate may have his or her name printed
23 upon the nonpartisan general municipal election ballot as candidate
24 for any office to be filled at the election. To become a candidate,

1 a declaration of candidacy must be filed with the county election
2 board no earlier than 8:00 a.m. on the first Monday in ~~February~~
3 April and no later than 5:00 p.m. on the next succeeding Wednesday,
4 in odd-numbered years. A candidate must also be a registered voter
5 at an address within the municipality, or of the ward where the
6 office is from a ward for at least six (6) months prior to filing a
7 declaration of candidacy. Filing as a candidate in a nonpartisan
8 municipal election or voting for such candidate shall not affect
9 one's party affiliation or regularity.

10 SECTION 5. AMENDATORY 26 O.S. 2021, Section 1-101, is
11 amended to read as follows:

12 Section 1-101. A. On the first Tuesday succeeding the first
13 Monday of November, 1976, and every four (4) years thereafter, a
14 General Election shall be held, at which time electors for President
15 and Vice President shall be elected. On said date, and every two
16 (2) years thereafter, United States Senators and United States
17 Representatives, whose terms expire before the next succeeding
18 General Election, and state, district and county officers, whose
19 terms expire before the next succeeding General Election, shall be
20 elected. No county, municipality or school district shall schedule
21 an election on any date during the twenty (20) days immediately
22 preceding the date of any such General Election.

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

4 SECTION 6. AMENDATORY 26 O.S. 2021, Section 1-102, is
5 amended to read as follows:

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

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

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

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

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

9 1. The second Tuesday of February in any year;

10 2. The first Tuesday of April in any year;

11 3. The date of any regularly scheduled statewide state or
12 federal election in an even-numbered year;

13 4. The second Tuesday of September in an odd-numbered year;

14 5. The ~~second~~ first Tuesday after the first Monday of November
15 in an odd-numbered year; and

16 6. The second Tuesday of June of an odd-numbered year ~~for a~~
17 ~~special election to fill a vacancy.~~

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

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

8 2. The second Tuesday of January and February, the first
9 Tuesday in March and April, the last Tuesday in June, the fourth
10 Tuesday in August, and the first Tuesday after the first Monday in
11 November of any even-numbered year.

12 D. In the event that a regular or special election date occurs
13 on an official state holiday, the election shall be scheduled for
14 the next following Tuesday. In the event that any day of a
15 candidate filing period occurs on a Saturday, Sunday or any official
16 state holiday, that day of the filing period shall be scheduled for
17 the next business day.

18 E. Notwithstanding any other provision of law or any provision
19 of a municipal charter, any municipality, school district,
20 technology center district, county, rural fire protection district,
21 or any other entity seeking to hold a regular or special election to
22 be conducted by a county election board on the same date as a
23 regular or special federal or state election, shall file the
24 resolution calling for the election with the county election board

1 secretary no later than seventy-five (75) days prior to the election
2 date. A candidate filing period of three (3) days, if so required
3 by the resolution, shall begin no later than ten (10) days following
4 the deadline to file the resolution with the secretary of the county
5 election board; provided, the filing period for such municipal
6 office may be scheduled on the same dates as the filing period for
7 state or federal office to be filled at such election.

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

16 SECTION 8. AMENDATORY 26 O.S. 2021, Section 13A-103, is
17 amended to read as follows:

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

23 2. The primary election of members of the board of education of
24 every school district and technology center school district, if

1 necessary, shall be conducted on the second Tuesday in ~~February~~ June
2 of each odd-numbered year, ~~except in any year when a Presidential~~
3 ~~Preferential Primary is held in February, then the election shall be~~
4 ~~held on the same day as the Presidential Preferential Primary.~~

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

8 4. If more than two candidates qualify to have their names
9 appear on the ballot, the names of all such candidates shall appear
10 on the ballot at the board of education primary election. A
11 candidate receiving more than fifty percent (50%) of the votes cast
12 in the board of education primary election shall be elected to the
13 office. If no candidate receives more than fifty percent (50%) of
14 the votes cast in the board of education primary election, then the
15 two candidates with the highest number of votes shall appear on the
16 ballot at the board of education general election.

17 B. Elections on the question of making a levy or levies for
18 schools under Section 9, Section 9B or Section 10 of Article X of
19 the Oklahoma Constitution shall be held on the second Tuesday in
20 February of each year, except in any year when a Presidential
21 Preferential Primary is held in February, then the election shall be
22 held on the same day as the Presidential Preferential Primary.

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

4 SECTION 9. AMENDATORY 26 O.S. 2021, Section 13A-105, is
5 amended to read as follows:

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

23 SECTION 10. AMENDATORY 26 O.S. 2021, Section 13-101.1,
24 is amended to read as follows:

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

9 SECTION 11. AMENDATORY 70 O.S. 2021, Section 5-107A, is
10 amended to read as follows:

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

15 A. For purposes of this section, temporary positions added to a
16 board of education pursuant to Section 7-101 or 7-105 of this title
17 and the chair of the board of education elected pursuant to Section
18 ~~4~~ 5-107B of this ~~act~~ title shall not be considered in determining
19 the size of the board. The number and term of each board of
20 education shall be as follows:

21 District	Members	Term (Years)
22 Elementary	3	3 <u>4</u>
23 Independent		

24

1 1. Districts having a five-member

2 board

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~~5~~ 4

3 2. Districts having a seven-

4 member board unless an

5 election is conducted

6 pursuant to subsection C of

7 this section

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

10 1. a. Between August 1 and December 31 of the year following

11 the submission by the United States Department of

12 Commerce to the President of the United States of the

13 official Federal Decennial Census, the board of

14 education shall reapportion the territory of the

15 school district into board districts. Beginning with

16 the reapportionment following the 1990 Federal

17 Decennial Census, all boundaries of board districts

18 shall follow clearly visible, definable and observable

19 physical boundaries which are based upon criteria

20 established and recognized by the Bureau of the Census

21 of the United States Department of Commerce for

22 purposes of defining census blocks for its decennial

23 census and shall follow, as much as is possible,

24 precinct boundaries. Board districts shall be

1 compact, contiguous and shall be as equal in
2 population as practical with not more than a ten
3 percent (10%) variance between the most populous and
4 least populous board districts.

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

10 c. Elementary school districts shall have board members
11 elected at large.

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

22 2. One member of the board of education shall be elected by the
23 electors of the school district to represent each such board
24 district. Provided, however, that in any school district where the

1 electors of each board district, rather than the electors of the
2 entire school district, elect board members to represent that board
3 district, that district shall elect board members in that manner.

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

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

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

19 b. If, in the election, one candidate has a majority of
20 all votes cast, then a run-off election is not
21 required. If no candidate receives a majority of all
22 votes cast, then the two candidates receiving the
23 greatest number of votes shall become the candidates
24 for the board district in the general election, and

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

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

21 After such resolution or election, the board shall reapportion
22 the district, determining by resolution or by lot which board member
23 offices shall be abolished at the end of the current board member's
24 term and which shall become one of the offices of the new board.

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

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

7 D. Except for the chair of the board of education elected
8 pursuant to Section 1 of this act, offices of members of the board
9 of education shall be designated by consecutive numbers and shall
10 correspond with board districts when applicable.

11 E. Except for those members elected prior to July 1, ~~1992~~, the
12 2024:

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

18	Office No. 1	1991 <u>2025</u>
19	Office No. 2	1992 <u>2025</u>
20	Office No. 3	1993 <u>2027</u>
21	Office No. 4	1994 <u>2027</u>
22	Office No. 5	1995 <u>2029</u>

23 2. The terms of office of the members of a seven-member board
24 of education shall be staggered, ~~with one member being elected in~~

1 ~~1991, two members being elected in 1992 two members being elected~~
2 ~~in 1993 and two members being elected in 1994 and shall commence on~~
3 the first regular, special or emergency school board meeting after
4 the date of the annual school election and after the member has been
5 certified as elected; ~~provided, in districts needing to elect two~~
6 ~~members in 1991 to maintain a full complement of board members, two~~
7 ~~members shall be elected in 1991, one for a full term and one for a~~
8 ~~one year term, as determined by the local board. as follows:~~

- 9 Office No. 1 2025
- 10 Office No. 2 2025
- 11 Office No. 3 2027
- 12 Office No. 4 2027
- 13 Office No. 5 2027
- 14 Office No. 6 2029
- 15 Office No. 7 2029

16 If a seven-member board is formed upon consolidation pursuant to
17 Section 7-105 of this title, or upon annexation pursuant to Section
18 7-101 of this title, the formation agreement shall specify initial
19 short terms as necessary to extend until the beginning of the
20 regular terms for seven-member boards established herein.

21 Upon reduction of a seven-member board pursuant to subsection C
22 of this section, the terms of the five-member board shall be
23 staggered pursuant to this subsection.

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

5 3. The terms of office of the members of a three-member board
6 of education shall be staggered, and commence on the first regular,
7 special or emergency school board meeting after the date of the
8 annual school election and after the member has been certified as
9 elected as follows:

10	<u>Office No. 1</u>	<u>2025</u>
11	<u>Office No. 2</u>	<u>2027</u>
12	<u>Office No. 3</u>	<u>2029</u>

13 F. The term of office of each board member elected after July
14 1, ~~1992~~ 2024, shall commence on the first regular, special or
15 emergency school board meeting after the date of the annual school
16 election and after the member has been certified as elected. Board
17 members elected prior to July 1, ~~1992~~ 2024, may remain in office
18 until their successor is elected and seated pursuant to Sections
19 13A-101 through 13A-111 of Title 26 of the Oklahoma Statutes. The
20 remaining term of any member who completes the term for which the
21 member was elected but not wishing to serve until the successor of
22 the member takes office on the first regular, special or emergency
23 school board meeting after the successor has been certified as

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1 | elected, shall be filled by appointment by the remaining members of
2 | the board of education.

3 | SECTION 12. AMENDATORY 70 O.S. 2021, Section 5-110.1, is
4 | amended to read as follows:

5 | Section 5-110.1 A. In addition to the requirements of Section
6 | 5-110 of this title, every member of a school district board of
7 | education elected ~~to a full term of office of five (5) years or more~~
8 | shall be required to attend a minimum of fifteen (15) hours of
9 | continuing education, ~~each member elected to a full four-year term~~
10 | ~~of office shall be required to attend a minimum of twelve (12) hours~~
11 | ~~of continuing education, and each member elected to a full three-~~
12 | ~~year term of office shall be required to attend a minimum of nine~~
13 | ~~(9) hours of continuing education,~~ prior to the date set for filing
14 | for reelection to that respective board seat. The continuing
15 | education courses, workshops, seminars, conferences, and conventions
16 | which shall satisfy the continuing education requirement shall be
17 | approved jointly by the State Department of Education and the
18 | Oklahoma Department of Career and Technology Education.

19 | B. Local and state continuing education programs conducted
20 | pursuant to the provisions of this section shall be held in all
21 | regions of the state at institutions of higher learning, area
22 | technology centers or other approved sites. Notice of such courses
23 | and seminars shall be provided to all school board members and to
24 | the public schools.

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

3 ~~D.~~ If a school board member has not satisfied the continuing
4 education requirements of this section, the school district board of
5 education shall declare the seat of the member vacant within sixty
6 (60) days of the final date that the member has to complete the
7 requirements as indicated by receipt of the certified notice from
8 the State Board of Education as provided for pursuant to Section 5-
9 110.2 of this title and shall fill the vacancy according to law. As
10 determined by the State Board of Education pursuant to Section 5-
11 110.2 of this title, failure by a board member to satisfy the
12 continuing education requirements of this section shall result in
13 the ineligibility of the member to be reappointed to, run for
14 reelection to or to hold that respective board seat on the school
15 district board of education or to run for election to or to hold any
16 other board seat on the board of education for a two-year period.

17 ~~E.~~ D. The State Department of Education, the Oklahoma
18 Department of Career and Technology Education, and any organization
19 approved by the State Board of Education, including but not limited
20 to institutions of higher education, may charge persons attending
21 continuing education courses a registration fee sufficient to defray
22 the estimated costs of presenting the course. The registration fees
23 for each course shall be announced prior to the date of such course.

1 ~~F.~~ E. Any member of a school district board of education who
2 attends and completes a course which satisfies in part or in full
3 the requirements of this section shall be reimbursed by the school
4 district for expenses incurred. In addition, a school district
5 board of education may reimburse members of the board of education
6 for expenses incurred in registering and attending board member
7 training programs or activities approved by the board which are in
8 addition to the minimum school board training requirements
9 established by law.

10 SECTION 13. This act shall become effective November 1, 2024.

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12 COMMITTEE REPORT BY: COMMITTEE ON ELECTIONS AND ETHICS, dated
13 03/01/2023 - DO PASS, As Amended and Coauthored.

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