

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 55th Legislature (2015)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1440

By: Caldwell and Kannady

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to schools; amending 70 O.S. 2011,
10 Section 5-107A, which relates to the membership and
11 election procedures for boards of education of school
12 districts; limiting the number of years a member of
13 certain boards of education can serve; providing an
14 exception for certain chair position; providing for
15 nonconsecutive service, service on other boards and
16 partial terms; prohibiting a member who has completed
17 the maximum number of years to serve an additional or
18 partial term; allowing members with the maximum
19 number of years to complete the current term;
20 providing an effective date; and declaring an
21 emergency.

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

23 SECTION 1. AMENDATORY 70 O.S. 2011, Section 5-107A, is
24 amended to read as follows:

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

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

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

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

19 1. a. Between August 1 and December 31 of the year following
20 the submission by the United States Department of
21 Commerce to the President of the United States of the
22 official Federal Decennial Census, the board of
23 education shall reapportion the territory of the
24 school district into board districts. Beginning with

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1 the reapportionment following the 1990 Federal
2 Decennial Census, all boundaries of board districts
3 shall follow clearly visible, definable and observable
4 physical boundaries which are based upon criteria
5 established and recognized by the Bureau of the Census
6 of the United States Department of Commerce for
7 purposes of defining census blocks for its decennial
8 census and shall follow, as much as is possible,
9 precinct boundaries. Board districts shall be
10 compact, contiguous and shall be as equal in
11 population as practical with not more than a ten
12 percent (10%) variance between the most populous and
13 least populous board districts.

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

19 c. Elementary school districts shall have board members
20 elected at large.

21 d. A city located in an independent school district
22 having four or more wards and an outlying area with
23 such outlying area comprising no more than twenty
24 percent (20%) of the population of such independent

1 school district, then such independent school district
2 may adopt such wards and outlying area in lieu of the
3 board districts provided for in subparagraph a of this
4 paragraph, and at least one member of the board of
5 education of such independent school district shall be
6 a member of each ward; and

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

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

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

23 a. There shall be held an election in which the electors
24 of each board district in which a term is expiring or

1 in which a vacancy exists shall select two candidates
2 from among the candidates for board member to
3 represent the board district,

4 b. If, in the election, one candidate has a majority of
5 all votes cast, then a run-off election is not
6 required. If no candidate receives a majority of all
7 votes cast, then the two candidates receiving the
8 greatest number of votes shall become the candidates
9 for the board district in the general election, and

10 c. At the run-off election, all of the electors of the
11 board district shall select one of the two candidates
12 as the member of the board of education representing
13 the board district.

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

1 certify the adequacy of the number of signatures on the petition.
2 If the question is put before the voters of the district, such
3 election shall be held along with and at the same time and place as
4 the next school election if all requirements of Section 13A-101 et
5 seq. of Title 26 of the Oklahoma Statutes for such election are met.

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

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

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

16 D. Except for the chair of the board of education elected
17 pursuant to Section ~~4~~ 5-107B of this ~~act~~ title, offices of members
18 of the board of education shall be designated by consecutive numbers
19 and shall correspond with board districts when applicable.

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

1	Office No. 1	1991
2	Office No. 2	1992
3	Office No. 3	1993
4	Office No. 4	1994
5	Office No. 5	1995

6 The terms of office of the members of a seven-member board of
7 education shall be staggered, with one member being elected in 1991,
8 two members being elected in 1992, two members being elected in 1993
9 and two members being elected in 1994 and shall commence on the
10 first regular, special or emergency school board meeting after the
11 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. If a seven-member
16 board is formed upon consolidation pursuant to Section 7-105 of this
17 title, or upon annexation pursuant to Section 7-101 of this title,
18 the formation agreement shall specify initial short terms as
19 necessary to extend until the beginning of the regular terms for
20 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.

24

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

18 G. Except for the chair of the board of education elected
19 pursuant to Section 5-107B of this title, any member of a five-
20 member or seven-member board of education elected to office after
21 the effective date of this act shall be eligible to serve no more
22 than sixteen (16) cumulative years on one board of education. Years
23 in office on one board of education need not be consecutive in
24 determining the total number of years in office. The years served

1 by any member of a board of education on a separate board of
2 education shall not be included in the sixteen-year limitation. A
3 member shall not be eligible to serve an additional term of office
4 if, by serving that full additional term, it would result in the
5 member serving more than a total of sixteen (16) cumulative years.
6 The years served by any member elected or appointed to serve less
7 than a full term to fill a vacancy in office shall not be included
8 in the sixteen-year limitation. A member who has completed sixteen
9 (16) years in office shall thereafter not be eligible to serve a
10 partial term. Any member who is serving a term in office or who has
11 been elected or appointed to serve a term in office on the effective
12 date of this act and has already served for sixteen (16) years shall
13 be entitled to complete the term but shall not be eligible to serve
14 any additional years thereafter.

15 SECTION 2. This act shall become effective July 1, 2015.

16 SECTION 3. It being immediately necessary for the preservation
17 of the public peace, health and safety, an emergency is hereby
18 declared to exist, by reason whereof this act shall take effect and
19 be in full force from and after its passage and approval.

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21 COMMITTEE REPORT BY: COMMITTEE ON ELECTIONS AND ETHICS, dated
22 02/17/2015 - DO PASS, As Amended and Coauthored.

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