

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE BILL 3103

By: Caldwell

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6 AS INTRODUCED

7 An Act relating to school elections; amending 26 O.S.
8 2011, Section 13A-110, as amended by Section 8,
9 Chapter 380, O.S.L. 2015 (26 O.S. Supp. 2015, Section
10 13A-110), which relates to vacancies on boards of
11 education; providing for the filling of certain
12 vacancies on the board of education by appointment;
13 allowing the appointment of persons who do not reside
14 in certain districts; requiring appointed persons to
15 reside in the school district and meet other
16 eligibility qualifications; limiting service;
17 requiring certain boards of education to give
18 preference to certain persons; and declaring an
19 emergency.

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

21 SECTION 1. AMENDATORY 26 O.S. 2011, Section 13A-110, as
22 amended by Section 8, Chapter 380, O.S.L. 2015 (26 O.S. Supp. 2015,
23 Section 13A-110), is amended to read as follows:

24 Section 13A-110. A. Vacancies for members of the board of
education of every school district or technology center school
district shall be filled by appointment by the board. ~~Persons~~

B. Except as provided in subsection D of this section, persons,
appointed to fill such vacancies in the first half of the term of

1 office for the board position shall serve only until the next
2 succeeding election, at which time the office which they hold shall
3 be placed on the ballot for the balance of the unexpired term.
4 Vacancies filled by appointment following the delivery of the
5 resolution calling for regular elections to the secretary of the
6 county election board shall be filled until the regular elections
7 the following year. Persons elected to fill unexpired terms shall
8 begin those terms at the next regular meeting of the board of
9 education following the election. Persons appointed to fill such
10 vacancies after the first half of the term of office for the board
11 position shall serve for the balance of the unexpired term. ~~No~~

12 C. Except as provided in subsection D of this section, no
13 person shall be appointed to a board of education who does not meet
14 the eligibility qualifications needed to be a candidate for such
15 position as provided for in ~~Sections~~ Section 13A-106 of this title
16 and Sections 5-110, 5-110.1 and 5-113 of Title 70 of the Oklahoma
17 Statutes.

18 B. D. 1. If after the filing period is closed no candidate for
19 an open position on a board of education of a school district has
20 filed and therefore a vacancy is created, the vacancy shall be
21 filled by appointment by the board. Persons appointed to fill such
22 vacancies shall not be required to reside in the board or election
23 district but shall be required to reside in the school district and
24 to meet the other eligibility qualifications needed to be a

1 candidate for the position as provided in Section 13A-106 of this
2 title and Sections 5-110, 5-110.1 and 5-113 of Title 70 of the
3 Oklahoma Statutes. Persons appointed to fill vacancies as provided
4 for in this subsection shall be eligible to serve only for the
5 balance of the term.

6 2. In school districts with an average daily membership of
7 thirty thousand (30,000) or more, if prior to the board making an
8 appointment as provided for in paragraph 1 of this subsection, a
9 person who is a resident of the board or election district expresses
10 interest to the board in being appointed to fill the vacancy, the
11 board shall consider that person and shall give that person
12 preference over a person who does not reside in the board or
13 election district.

14 E. If the board of education does not fill the vacancy by
15 appointment within sixty (60) days of the date the board declared
16 the seat vacant, the board of education shall call a special
17 election to fill the vacancy for the unexpired term. The special
18 election shall be called on a date established by subsection B of
19 Section 3-101 of this title, and the special filing period shall be
20 scheduled as required in subsection D of Section 13A-109 of this
21 title.

22 SECTION 2. It being immediately necessary for the preservation
23 of the public peace, health and safety, an emergency is hereby
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1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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