

1 **SENATE FLOOR VERSION**

2 April 6, 2016

3 **AS AMENDED**

4 ENGROSSED HOUSE

5 BILL NO. 3103

6 By: Caldwell of the House

7 and

8 Griffin of the Senate

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

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

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

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

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

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

6 E. If the board of education does not fill the vacancy by
7 appointment within sixty (60) days of the date the board declared
8 the seat vacant, the board of education shall call a special
9 election to fill the vacancy for the unexpired term. The special
10 election shall be called on a date established by subsection B of
11 Section 3-101 of this title, and the special filing period shall be
12 scheduled as required in subsection D of Section 13A-109 of this
13 title.

14 COMMITTEE REPORT BY: COMMITTEE ON RULES
15 April 6, 2016 - DO PASS AS AMENDED
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