

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 210

By: Howard

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5  
6 AS INTRODUCED

7 An Act relating to school district boards of  
8 education; providing for removal of board of  
9 education member by recall petition; establishing  
10 signature threshold for recall petition; requiring  
11 filing of recall petition; directing form for recall  
12 petition to be prescribed; prohibiting signatures on  
13 petition from being deemed valid if signed outside of  
14 certain time period; requiring a school district  
15 board of education to order and fix date for certain  
16 election; requiring certain notification; prohibiting  
17 election from being held within certain time frame;  
18 providing for filing of declarations of candidacy;  
19 providing for incumbent to continue serving under  
20 certain condition; providing for seating of incumbent  
21 or successor; providing for codification; providing  
22 an effective date; and declaring an emergency.

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

24 SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 5-107C of Title 70, unless there  
is created a duplication in numbering, reads as follows:

25 A. A member of a school district board of education may be  
26 removed from office by means of a recall petition demanding the  
27 removal of a board member and the election of a successor to the  
28 member. The recall petition shall be signed by not less than fifty-

1 one percent (51%) of the qualified electors of the board district  
2 based on the total number of votes cast at the last board district  
3 election. The recall petition shall be filed with the school  
4 district board of education. The petition shall contain a specific  
5 statement of the grounds on which removal is sought. The form for  
6 the recall petition shall be prescribed by the State Election Board.  
7 No signature on a petition shall be deemed valid if signed more than  
8 six (6) months prior to the filing of the petition.

9 B. Upon presentation of a recall petition as provided for in  
10 subsection A of this section, a school district board of education  
11 shall, within ten (10) days, order and fix a date for holding the  
12 election. The board of education shall notify, by resolution, the  
13 secretary of the county election board as provided for in Section  
14 13A-109 of Title 26 of the Oklahoma Statutes. An election shall not  
15 be held prior to one hundred eighty (180) days after the board of  
16 education member has taken office or within one hundred eighty (180)  
17 days before the next board district election.

18 C. Any member of a school district board of education sought to  
19 be removed pursuant to the provisions of this section may be a  
20 candidate to succeed himself or herself. Candidates wishing to  
21 succeed the member shall file declarations of candidacy in the same  
22 place and manner as a general election for a member as provided for  
23 in Section 13A-105 of Title 26 of the Oklahoma Statutes. If after  
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1 the filing period is closed no candidate has filed, the incumbent  
2 member shall continue to serve on the board of education.

3 D. 1. If the incumbent member is elected, the member shall  
4 continue to serve on the board of education.

5 2. If an individual other than the incumbent member is elected,  
6 the incumbent shall be deemed removed from office upon or at the  
7 time the winner of the election is declared. The successor shall  
8 assume the office within ten (10) days after receiving notification  
9 of the election results. He or she shall hold office for the  
10 unexpired term of the predecessor.

11 SECTION 2. This act shall become effective July 1, 2021.

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

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