



October 1, 2015

Dear Superintendents:

Enclosed please find the 2016 Annual School Board Member Election Packet. The Oklahoma State School Boards Association legal department prepared this packet as an additional membership benefit to aid your district with preparations for the annual school election or a special election. Included within the packet are the following:

2015-2016 Annual School Elections Timeline
Annual Election Resolution
Contesting Candidacy Law
Closing Split Precincts Information

Legal Notice
Special Election Resolution
Petition to Contest Candidacy
Press Release

This packet DOES NOT include the documents necessary to file for school board member candidacy. The Declaration of Candidacy and supporting documentation may be found at your County Election Board prior to the December filing period. The 2016 Annual School Election timeline highlights the dates information is due to your County Election Board Secretary. Please ensure these important dates are placed on your school calendar. You will need to plan school board meetings accordingly.

Your annual resolution is due to your County Election Board Secretary by **Friday, November 20, 2015**. You may need to modify the resolution for the following reasons:

Annual Millage Election

A handful of school districts that have not made their millage elections permanent. Please note that the sample resolution does not contain information regarding the millage election. If your district did not make the millages permanent, please contact your school district's attorney or the OSSBA legal staff for additional information regarding the resolution that will need to be filed by your school district.

Special Election

The Special Election Resolution is to be used if your district has a vacancy occur after the December filing period, the vacancy is in the first half of the term of office, and the board cannot agree on an individual to appoint to fill the vacancy within 60 days of the seat being declared vacant. Please note that new law changes require a "filing period" be identified within the resolution calling for a special election. We have included that information on the sample special election resolution included within the packet.

If you have any questions regarding this Annual Election Packet, please contact the legal department at the Oklahoma State School Boards Association.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn Hime", is written over a white background.

Shawn Hime
Executive Director

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2016 Annual School Election Timeline

November 2015

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

Annual School Election Resolution

2016 Annual School Election Resolution due to County Election Board Secretary by the close of business at the County Election Board office on November 20, 2015.

Deadline for school district to publish a legal notice is November 27, 2015. A copy of the notice must also be filed with the County Election Board.

December 2015

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Filing Period

Opens 8 a.m. on Monday, December 7, 2015.

Closes 5 p.m. on Wednesday, December 9, 2015.

Contesting Candidacy

Must be filed with the County Election Board Secretary who accepted the Declaration of Candidacy by 5 p.m. Friday, December 11, 2015.

Withdrawal of Candidate

Must be filed with the County Election Board Secretary who accepted the Declaration of Candidacy by 5 p.m. on Friday, December 11, 2015.

January 2016

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

Pre-Election Expense Claim

The statutory deadline for each County Election Board to submit the Pre-Election Expense Claim to each school district is January 5, 2016.

District required to submit amount due to the County Election Board by January 25, 2015.

February 2016

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29					

Annual School Election

Annual School Election – Tuesday, February 9, 2016

County Election Board to certify results of Annual School Election – by 5 p.m.
Friday, February 12, 2016

Pre-Election Expense Claim

Statutory deadline for County Election Board to submit the Pre-Election Expense Claim to the school district – February 29, 2016.

March 2016

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Pre-Election Expense Claim

Statutory deadline for school district to submit the amount due to the County
Election Board -- March 21, 2016

April 2016

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

Annual School Runoff Election

Annual School Runoff Election – Tuesday, April 5, 2016.

County Election Board to certify results of the Annual School Runoff Election ---
Friday, April 8, 2016, after 5 p.m.

ANNUAL ELECTION RESOLUTION

(To be utilized if mill levies were made permanent in previous election)

TO: _____ County Election Board

FROM: The _____ School District, Independent School
District No. ____ of _____, County, Oklahoma

The Board of Education of the _____ School District has approved the following resolution calling for an election to be submitted to the voters of the district.

Date of the Election:

An election shall be held to vote to elect a board member for member position number _____ on the second Tuesday in February, that being February 9, 2016, with a run-off election to be held on the first Tuesday in April, that being April 5, 2016 if no candidate for the board member position receives more than 50% of the vote. The polling places shall be open from 7:00 a.m. to 7:00 p.m.

Board Member Position On Ballot:

The voters shall elect a board member for board position No. ____, which has a ____-year term of office.

Qualifications of Candidates for Office:

To be eligible to be a candidate for member of the board of education of a school district, a person must have resided in the district for at least six months preceding the first day of the filing period, and have been a registered voter registered with the county election board at an address located within the geographical boundaries of the district for six months preceding the first day of the filing period. In school districts that have been divided into election districts, a candidate must have resided in the district for six months preceding the first day of the filing period and have been a registered voter registered within the county election board at an address located within the geographical boundaries of the election district for six months preceding the first day of the filing period.

No person shall be eligible to be a candidate for or elected to be a member of the board of education of a school district unless the person has been awarded a high school diploma or certificate of high school equivalency.

A person who has been convicted of a misdemeanor involving embezzlement or a felony under the laws of this state or of the United States or who has entered a plea of guilty or nolo contendere to such misdemeanor involving embezzlement or felony or who has been convicted of a crime in another state which would have been a misdemeanor involving embezzlement or a felony under the laws of this state or has entered a plea of guilty or nolo contendere to such

crime shall not be eligible to be a candidate for or be elected to any school for a period of fifteen years following completion of his sentence or during the pendency of an appeal of such conviction or plea.

No person shall be eligible to be a candidate for or serve on a board of education if he or she is currently employed by the school district governed by the board of education or is related within the second degree by affinity or consanguinity to any other member of the board of education or to any employee of the school district. The following are relatives within the second degree: A candidate's spouse, child, parent, grandchild, grandparent, brother, sister, spouse's child, spouse's grandchild, spouse's brother, spouse's sister, spouse's grandparent, grandchild's spouse, parent's spouse, and child's spouse. The prohibitions in this paragraph shall not apply if the board member candidate is related within the second degree of affinity or consanguinity to an individual employed as a substitute teacher by the school district or as a temporary substitute support employee if the school district has an Average Daily Membership of less than five thousand (5,000).

Candidates must affirm that upon being elected as a new member of the Board of Education, within fifteen (15) months of election, they will complete at least twelve (12) hours of instruction on education issues, including school finance, Oklahoma education laws, and ethics, duties and responsibilities of district board of education members. Three (3) of these twelve (12) credits must be earned as follows: one (1) credit in ethics, one (1) credit in open meeting act and open records act, and one (1) credit in school finance. Incumbents must affirm that they will complete six (6) hours of instruction within fifteen (15) months of election emphasizing changes in school law. Three (3) of these six (6) credits must be earned as follows: one (1) credit in ethics, one (1) credit in open meeting act and open records act, and one (1) credit in school finance.

Voters Eligible to Vote:

To be eligible to vote, a voter must be registered with the county election board at an address within the geographical boundaries of the district.

Ballot Titles:

The ballot to be submitted to the voter's shall call for the voters to:

1. Select one candidate for _____ School Board Position No. ____:

Approved by the _____ Board of Education this ____ day of _____, ____.

President of the Board of Education

Clerk of the Board of Education

SPECIAL ELECTION RESOLUTION

TO: _____ County Election Board

FROM: The _____ School District, Independent School
District No. ____ of _____, County, Oklahoma

The Board of Education of the _____ School District has approved the following resolution calling for a special election to be submitted to the voters of the district.

Date of the Election:

An election shall be held on _____ with the polling places open from 7:00 a.m. to 7:00 p.m.

Issues to be Voted Upon:

The voters will be asked to fill the vacancy of Office No. ____ of the _____ Board of Education. The term of office shall commence at the board meeting immediately following the election and continuing through _____.

Filing Period

Effective November 1, 2015, it is required that a candidate filing period of three (3) days will begin not more than twenty (20) days following the date the resolution calling the election is required to be filed with the secretary of the county election board. To comply with this requirement, the filing period is hereby set for _____.

Qualifications of Candidates for Office:

To be eligible to be a candidate for member of the board of education of a school district, a person must have resided in the district for at least six months preceding the first day of the filing period, and have been a registered voter registered with the county election board at an address located within the geographical boundaries of the district for six months preceding the first day of the filing period. In school districts that have been divided into election districts, a candidate must have resided in the district for six months preceding the first day of the filing period and have been a registered voter registered within the county election board at an address located within the geographical boundaries of the election district for six months preceding the first day of the filing period.

No person shall be eligible to be a candidate for or elected to be a member of the board of education of a school district unless the person has been awarded a high school diploma or certificate of high school equivalency.

A person who has been convicted of a misdemeanor involving embezzlement or a felony under the laws of this state or of the United States or who has entered a plea of guilty or nolo contendere to such misdemeanor involving embezzlement or felony or who has been convicted

of a crime in another state which would have been a misdemeanor involving embezzlement or a felony under the laws of this state or has entered a plea of guilty or nolo contendere to such crime shall not be eligible to be a candidate for school office for a period of fifteen years following completion of his sentence or during the pendency of an appeal of such conviction or plea.

No person shall be eligible to be a candidate for or serve on a board of education if he or she is currently employed by the school district governed by the board of education or is related within the second degree by affinity or consanguinity to any other member of the board of education or to any employee of the school district. The following are relatives within the second degree: A candidate's spouse, child, parent, grandchild, grandparent, brother, sister, spouse's child, spouse's grandchild, spouse's brother, spouse's sister, spouse's grandparent, grandchild's spouse, parent's spouse, and child's spouse. The prohibitions in this paragraph shall not apply if the board member candidate is related within the second degree of affinity or consanguinity to an individual employed as a substitute teacher by the school district or as a temporary substitute support employee if the school district has an Average Daily Membership of less than five thousand (5,000).

Candidates must affirm that upon being elected as a new member of the Board of Education, within fifteen (15) months of election, they will complete at least twelve (12) hours of instruction on education issues, including school finance, Oklahoma education laws, and ethics, duties and responsibilities of district board of education members. Three (3) of these twelve (12) credits must be earned as follows: one (1) credit in ethics, one (1) credit in open meeting act and open records act, and one (1) credit in school finance. Incumbents must affirm that they will complete six (6) hours of instruction within fifteen (15) months of election emphasizing changes in school law. Three (3) of these six (6) credits must be earned as follows: one (1) credit in ethics, one (1) credit in open meeting act and open records act, and one (1) credit in school finance.

Filing for Candidacy

A special filing period shall be conducted from _____ to _____.

Voters Eligible to Vote:

To be eligible to vote, a voter must be registered with the county election board at an address within the geographical boundaries of the district.

Approved by the _____ Board of Education this ____ day of _____, ____.

President of the Board of Education

Clerk of the Board of Education

CONTESTING CANDIDACY

With regard to contesting the candidacy of a candidate, the following is the current status of the law in Oklahoma:

1. If there is more than one candidate for a position, any of the candidates may file a petition concerning the candidacy of another candidate.
2. If there is only one candidate, a protest contesting that individual's candidacy may be filed by any registered voter who is eligible to vote for the candidate.

A petition (to contest candidacy) must be filed by 5:00 p.m. on the second day following the close of the filing period. The petition must allege that the candidate was not qualified by law to be a candidate and must contain the reasons why the candidate was not qualified. Any reasons which do not appear on the face of the petition are deemed waived and cannot later be added.

The petition is to be filed with the Secretary of the County Election Board who accepted the declaration of candidacy. The contesting of candidacy requires a \$250 deposit.

Upon the filing of a petition, the secretary of the appropriate election board must set the matter for a hearing. The hearing cannot be held fewer than three (3) days from the filing of the petition.

It is the obligation of the petitioner to have the candidate served with a copy of the petition. The service must be made in person, where possible, within twenty-four (24) hours after the date and place of the hearing has been set by the county election board secretary. Service must be made by the Sheriff of the county of residence of the individual whose candidacy is being contested.

The petition may be heard without formal pleadings being filed in answer or reply to the contesting petition. The election board may serve subpoenas and compel the attendance of witnesses and production of evidence. At the conclusion of the hearing, the board shall render its decision and the vote of the individual members in writing. The decision of the board shall be final.

If the board determines that the candidate was not qualified, it may order the candidacy stricken and the individual's name shall not be placed on the ballot. If possible, the board may order the candidate to amend the declaration of candidacy to conform with law.

Should the candidate whose candidacy is being challenged desire to appear in answer to the contest, the candidate is required to deposit with the secretary of the election board a cashier's check or certified check in the same amount as that filed by the petitioner (\$250).

The burden of proof remains on the petitioner to sustain the allegations in the petition. Failure of the candidate to appear or answer shall be deemed default and shall constitute an admission of the allegation in the petition.

In the event the petitioner is successful, his deposit shall be returned to him and all costs of the hearing shall be deducted from the deposit of the candidate whose candidacy was contested. If the candidate does not appear or answer the costs shall be deducted from the deposit made by the petitioner and the balance, if any, shall be returned to the petitioner.

_____ COUNTY ELECTION BOARD
PETITION TO CONTEST CANDIDACY

I, _____, a candidate for _____ School Board Member Office No. _____, contest the candidacy of another candidate for the same office, _____, on the grounds that he/she is not qualified as a candidate for the office because:

_____ he/she has not been a resident of the school election district for that office for at least six (6) months immediately preceding the filing period for the office.

_____ he/she has not been a registered voter with the county election board at an address located within the geographical boundaries of the district for six (6) months preceding the first day of the filing period.

_____ he/she has not been awarded a high school diploma or certificate of high school equivalency.

_____ he/she had pled guilty, nolo contendere, or been found guilty of a crime that prohibits him/her from holding office.

This petition is filed this _____ day of December, _____.

26 O.S. §13A-106 provides:

To be eligible to be a candidate for member of the board of education of a school district or career-technical school district, a person must have resided in the district for at least six (6) months preceding the first day of the filing period, and have been a registered voter with the county election board at an address located within the geographical boundaries of the district for a six (6) months preceding the first day of the filing period. Beginning May 1, 1990, no person shall be eligible to be a candidate for election to be a member of the board of education of a school district or career-technical school district unless the person has been awarded a high school diploma or certificate of high school equivalency. In school districts that are divided into election districts, a candidate must have resided in the district for at least six (6) months preceding the first day of the filing period and have been a registered voter registered with the county election board at an address located within the geographical boundaries of the election district for six (6) months preceding the first day of the filing period. Beginning May 1, 1990, no person shall be eligible to be a candidate for or elected to be a member of the board of education unless the person has been awarded a high school diploma or certificate of high school equivalency.

Specifically, _____ is not qualified to be a candidate for the aforementioned office for the following reasons:

WHEREFORE, Petitioner requests the election board set a hearing for this matter and after such hearing declare _____ not to be a qualified candidate for the office.

Respectfully submitted,

BY _____

Attached is a cashier's check or certified check as required by 26 O.S. §5-121

CLOSING SPLIT PRECINCTS IN SCHOOL DISTRICT ELECTIONS

Title 26 O.S. Section 13A-101 allows school districts to close some precincts under certain circumstances. The State Election Board has promulgated rules to implement the law. Following is a summary of the steps school district officials may follow to take advantage of the new law and the new procedure.

1. If only part of a precinct is located inside the boundaries of a school district, the precinct may be closed for the school district's election only if school officials certify **in the resolution** calling the election that **no persons reside** within that part of the precinct.
2. If only part of a precinct is located inside the boundaries of a school district and **100 or fewer voters are registered in the part of the precinct within the district**, the precinct may be closed upon request of school district officials. The request must be submitted in writing to the County Election Board Secretary along with the resolution, but should not be included in the text of the resolution.
3. The superintendent is required to assist the Secretary of the County Election Board in determining the number of registered voters who reside in the part of the precinct located within the school district's boundaries. Instructions are provided by the Secretary.
4. The procedure may be used in any school district election. Once a precinct is closed for an election, the district is not responsible for expenses (Precinct Official compensation and Precinct Registry fees) in the precinct.

Contact the County Election Board Secretary
for more information

COMMON EDUCATION SCHOOL DISTRICT

Legal Notice

(Must be published in a newspaper of the county wherein the school district administrative office is located at least ten days prior to the filing period.)

(Post at the school district administrative offices as well as the county election board office.)

The Board of Education of _____ Public School District hereby provides legal notice that the annual school election filing period for candidates will open on Monday, December 7, 2015 at 8:00 a.m. and will close Wednesday, December 9, 2015 at 5:00 p.m.

Board Member Position On Ballot:

The voters shall elect a board member for board position No. ____, which has a ____-year term of office.

COMMON EDUCATION SCHOOL DISTRICT
To be printed on school letterhead

Press Release

(Shall be issued to a newspaper of general circulation in the county where the school district's administrative office is located.)

The Board of Education of _____ Public School District hereby announces that statutorily qualified individuals interested in running as a candidate for the # _____ seat on the _____ Board of Education may file to run as a candidate for this seat at the _____ County Election Board between the hours of 8 a.m. and 5 p.m., Monday, December 7 through Wednesday, December 9, 2015.

TECHNOLOGY CENTER SCHOOL DISTRICT

Legal Notice

(Must be published in a newspaper in each county wherein the school district board of education is a member of the technology center district at least ten days prior to the filing period.)

(Post in each county at the school district administrative offices as well as the county election board office.)

The Board of Education of _____ Technology Center School District hereby provides legal notice that the annual school election filing period for candidates will open on Monday, December 7, 2015 at 8:00 a.m. and will close Wednesday, December 9, 2015 at 5:00 p.m.

Board Member Position On Ballot:

The voters shall elect a board member for board position No. ____, which has a ____-year term of office.

TECHNOLOGY CENTER SCHOOL DISTRICT
To be printed on school letterhead

Press Release

(Shall be issued to a newspaper of general circulation in each county where the school district board of education is a member of the technology center district.)

The Board of Education of _____ Technology Center School District hereby announces that statutorily qualified individuals interested in running as a candidate for the # _____ seat on the _____ Technology Center School District Board of Education may file to run as a candidate for this seat at the _____ County Election Board between the hours of 8 a.m. and 5 p.m. Monday, December 7 through Wednesday, December 9, 2015.