

CHAPTER 40. TYPES OF ELECTIONS
SUBCHAPTER 3. SPECIAL ELECTIONS
PART 1. CALLING SPECIAL ELECTIONS

230:40-3-1. Who may call special election

A special election may be called by the Governor to fill vacancies in Congress, in the State Senate or the State House of Representatives, or the office of County Commissioner and to vote on state questions. County Commissioners may call a special election to vote on county questions, ~~and, in certain circumstances, in counties with population exceeding 600,000 according to the most recent federal Census, County Commissioners may call special elections;~~ to fill vacancies in other county offices. In addition, the governing boards of school districts, municipalities and certain special purpose districts, such as fire protection districts, may call special elections to fill vacancies and to vote on questions. No other entities are authorized to call special elections to be conducted by the County Election Board.

230:40-3-1.1. Times for special elections [REVOKED]

~~(a) Special elections may be held by a county, school district, technology center school district, municipality or other entity authorized to call elections only on the following days unless otherwise provided by law. [26:3-101(B)]~~

~~—(1) **Odd-numbered years.** In odd-numbered years, special elections may be held on the second Tuesday in January, February, May, June, July, August, September, October, November and December; and on the first Tuesday in March and April. [26:3-101(B)]~~

~~—(2) **Even-numbered years.** In even-numbered years, special elections may be held on the second Tuesday in January, February, May, and December; on the first Tuesday in March and April; on the last Tuesday in July; on the fourth Tuesday in August; and on the first Tuesday after the first Monday in November. [26:3-101(B)] In any year when a Presidential Preferential Primary Election is held in February, the date for special elections shall be the same date as the Presidential Preferential Primary Election. [26:3-101(B)]~~

~~(b) In the event that a regular or special election date occurs on an official state holiday, the election shall be scheduled for the next following Tuesday. [26:3-101(C)]~~

PART 3. VACANCIES

230:40-3-7. Vacancies in Congress [REVOKED]

~~(a) **State Election Board responsibilities.** Whenever a vacancy occurs in the office of a member of the United States Senate or United State House of Representatives from Oklahoma, the vacancy shall be filled at a Special Election called by the Governor. Filing shall be with the State Election Board and ballots shall be printed by the State Election Board.~~

~~(b) **County Election Board responsibilities.** In the event of a Special Election for a vacancy in Congress, each County Election Board shall perform the duties prescribed for it for regular Primary, Runoff Primary and General Elections.~~

230:40-3-8. Vacancies in the Legislature [REVOKED]

~~(a) **Special election called within 30 days.** Within 30 days after a vacancy occurs in the office of a member of the State Senate or the State House of Representatives, the Governor shall call a Special Election to fill the vacancy.~~

~~(b) **Proclamation to State Election Board.** *In calling such an election, the Governor shall issue a proclamation, a copy of which shall be filed with the Secretary of the State Election Board.* [26:12-107]~~

~~(c) **Dates for filing period, elections.** In the proclamation, the following facts must be contained:~~

~~— (1) *A filing period of three days, on a Monday, Tuesday and Wednesday, not less than ten days from the date of the proclamation.* [26:12-108(1)]~~

~~— (2) *The date of the Special Primary Election, not less than 20 days from the last day of the filing period.* [26:12-108(2)]~~

~~— (3) *The date of the Special General Election, not less than 20 days after the date of the Primary Election.* [26:12-108(3)]~~

~~(d) **Vacancies between March 1 and June 1.** Should such a vacancy occur between March 1 and June 1 of an even-numbered year, the proclamation shall contain dates as outlined in (c) that are required by law for the regular filing period, Primary Election, Runoff Primary Election and General Election, unless the term of the office expires the same year, in which case no Special Elections shall be held. [26:12-108]~~

~~(e) **No Runoff Primary.** There shall be no Runoff Primary Election in filling vacancies, unless the vacancy occurs as outlined in (d). [26:12-109]~~

~~(f) **General laws apply.** The Special Elections shall be conducted under the laws applicable to the regular Primary and General Elections. [26:12-104]~~

~~(g) **County Election Board responsibilities.** The County Election Board shall be charged with the same responsibilities as it would be if the Special Elections were regular Primary and General Elections for the State Senate or State House of Representatives.~~

230:40-3-9. Vacancies for County Commissioner [REVOKED]

~~(a) **Special election called within 30 days.** Within 30 days after a vacancy occurs for the office of County Commissioner, the Governor shall call a Special Election to fill the vacancy. [26:12-111]~~

~~(b) **Proclamation to State, County Election Board.** In calling such an election, the Governor shall issue a proclamation, a copy of which shall be filed with the Secretary of the State Election Board and the Secretary of the County Election Board in whose county the vacancy occurs. [26:12-112]~~

~~(c) **Dates for filing period, elections.** In the proclamation, the following facts must be contained:~~

~~— (1) *A filing period of three days, on a Monday, Tuesday and Wednesday, not less than ten days from the date of the proclamation.* [26:12-113(1)]~~

~~— (2) *The date of the Special Primary Election, not less than 20 days from the last day of the filing period.* [26:12-113(2)]~~

~~—(3) The date of the Special General Election, not less than 20 days after the date of the Primary Election. [26:12-113(3)]~~

~~(d) **Vacancies between March 1 and June 1.** Should such a vacancy occur between March 1 and June 1 of any even-numbered year, the proclamation shall contain dates as outlined in (c) that are required by law for the regular filing period, Primary Election, Runoff Primary Election and General Election, unless the term of the office expires the following year, in which case no Special Election shall be held, and the candidate elected to the office at the regular General Election shall be appointed by the Governor to fill the unexpired term. [26:12-113]~~

~~(e) **No Runoff Primary.** There shall be no Runoff Primary Election in filling vacancies, unless the vacancy occurs as outlined in (d):~~

~~(f) **General laws apply.** The Special Elections shall be conducted under the laws applicable to the regular Primary and General Elections. [26:12-114]~~

~~(g) **County Election Board responsibilities.** The County Election Board shall be charged with the same responsibilities as it would be if the Special Elections were regular Primary and General Elections for County Commissioner:~~

~~(h) **Unopposed nominees.** *If the nominee of a political party is unopposed in the Special General Election, he shall be issued a Certificate of Election after the expiration of the contest period following the Primary or Runoff Primary Election, if no contest is filed, and he immediately shall assume the duties of the office.* [26:12-114]~~

230:40-3-10. Vacancies in other county offices [REVOKED]

~~(a) In the event a vacancy occurs for any county office other than for County Commissioner in any county having a population of less than 600,000, according to the latest Federal Decennial Census, the vacancy shall be filled as follows:~~

~~—(1) If a vacancy occurs prior to the filing period for regular county elections and the vacated office is not scheduled to be on the ballot at that election, the vacancy shall be filled at a Special Election proclaimed by the County Commissioners. [51:10(b)] The filing period and the election dates contained in the proclamation shall be the same as for the regular county Primary, Runoff Primary and General Elections. [51:10(b)] At the time they call the elections, the Commissioners also shall appoint someone to hold the office until the Special Election. [51:10(b)]~~

~~—(2) If a vacancy occurs in an office that is scheduled to be on the ballot at the next regular county election, the Commissioners shall fill the vacancy by appointment for the unexpired term, and no Special Election shall be held:~~

~~(b) In a county having a population of more than 600,000, according to the latest Federal Decennial Census, a vacancy in any elective county office shall be filled by special election in the same manner as a vacancy in the office of County Commissioner. See 230:40-3-9.~~

230:40-3-11. Irrevocable resignation of incumbent [REVOKED]

~~(a) An incumbent United States Senator, United States Representative, State Senator, State Representative, or County Commissioner may file an irrevocable resignation that will not become effective immediately but on a specified date in the future. An irrevocable resignation must be made in writing and filed with the Oklahoma Secretary of State. The Governor is~~

~~authorized to proceed as if the office already were vacant and to call a special election to fill the vacancy. The special election shall be held as required by law for the office to be filled. (See 230:40-3-7 through 230:40-3-10.) The person elected at the special election shall take office on the date the election is certified or on the date the irrevocable resignation becomes effective, whichever is later.~~

~~(b) An incumbent in any elective county office in any county with a population of more than 600,000, according to the most recent federal decennial census, may file an irrevocable resignation as outlined in (a) of this section. See 230:40-3-10(b).~~

PART 5. SPECIAL COUNTY ELECTIONS

230:40-3-15. Dates cannot conflict [REVOKED]

~~No county shall schedule an election on any date during the 20 days immediately preceding a statewide Primary, Runoff Primary or General Election. [26:1-101; 1-102; 1-103]~~

230:40-3-16. Special elections for county questions [REVOKED]

~~A special election on any county question shall be held not less than 60 days from the date the election is called by the Board of County Commissioners. [26:12-116]~~

PART 7. STATISTICAL REPORTS

230:40-3-23. Report on Analysis of Special Elections [REVOKED]

~~Within ten days following a special election, the Secretary shall submit a report of said election to the State Election Board. The State Election Board shall furnish a Report on Analysis of Special Election form at the appropriate time.~~

PART 9. SUBSTITUTE NOMINEES [REVOKED]

230:40-3-29. Death prior to General Election [REVOKED]

~~*In the event of the death of a political party's nominee for office prior to the date of the General Election, a substitute candidate shall be permitted to have his name placed on the General Election ballot. [26:1-105]*~~

230:40-3-30. Notification of State Election Board [REVOKED]

~~**(a) Substitutes for offices filing with State Election Board.** *If the deceased nominee was a candidate who filed his Declaration of Candidacy with the State Election Board, the state central committee of the party affected shall notify the Secretary of the State Election Board of the name*~~

~~of an alternative candidate to be placed on the General Election ballot. [26:1-105(2)] The notice shall be made in writing within fifteen days after the death occurs but not later than 60 days prior to the General Election for statewide or federal offices and not later than 55 days prior to the General Election for all other offices. [26:1-105(2)] The notice shall be signed by at least two duly authorized members of the party's state central committee. [26:1-105(2)]~~

~~(b) **Substitutes for county office.** If the nominee was a candidate for county office, the county central committee of the political party affected shall notify the Secretary of the County Election Board of the name of an alternative candidate to be placed on the General Election ballot. [26:1-105(1)] The notice shall be made in writing within fifteen days after the death occurs but not later than 55 days prior to the General Election. [26:1-105(1)] The notice shall be signed by at least two duly authorized members of the party's county central committee. [26:1-105(1)]~~

230:40-3-31. Death after Runoff Primary Election [REVOKED]

~~If a political party's nominee for office dies more than five days after the date of the Runoff Primary Election, a special General Election shall be called by the Governor. [26:1-105(3)] The special General Election shall be conducted as provided in 230:40-3-1 through 230:40-3-9, except that there shall be no filing period and no special Primary Election. The candidates in the special General Election shall be the substitute candidate named as provided in 230:40-3-54, the nominees of other political parties elected in the Primary or Runoff Primary, and any independent candidates. [26:1-105(3)]~~

230:40-3-32. Death of unopposed candidate [REVOKED]

~~In the event of the death of a candidate who was unopposed for election, a special election shall be called by the Governor. [26:1-105(4)] The special election shall be conducted as provided in 230:40-3-1 through 230:40-3-9.~~

PART 11. SPECIAL JUDICIAL ELECTIONS [REVOKED]

230:40-3-37. Death of a judicial candidate prior to Primary Election [REVOKED]

~~(a) In the event a judicial candidate whose name should be on the ballot at the Primary Election dies before ballot printing has begun, the deceased candidate's name shall not be printed on the ballot. [26:11-116(A)] If the death occurs after ballot printing for the Primary has begun, votes cast for the deceased candidate shall not be certified by the County Election Board.~~

~~(b) If the death of a judicial candidate leaves only two surviving candidates, their names shall appear only on the General Election ballot. [26:11-116(A)]~~

230:40-3-38. Death of a judicial candidate prior to General Election [REVOKED]

~~(a) If a judicial candidate whose name should appear on the General Election ballot dies before ballot printing for the General Election has begun, neither candidate's name shall be printed on the ballot. [26:11-116(B)]~~

~~(b) If the death of a judicial candidate occurs after ballot printing has begun, the votes cast for that office shall not be certified by the County Election Board. [26:11-116(B)]~~

~~(c) The Governor shall call a special election to fill the vacancy in the judicial office. [26:11-116(B)] The Governor shall prescribe a special filing period followed in not less than 45 days by a Special Primary Election. [26:11-116(B)] The Special Primary Election shall be followed not less than 45 days by a Special General Election. [26:11-116(B)]~~

SUBCHAPTER 5. MUNICIPAL ELECTIONS

PART 1. CITIES WITH HOME RULE CHARTERS

230:40-5-1. Charter may provide election procedures [REVOKED]

~~Cities that have home rule charters may specify procedures for the conduct of municipal elections. Such procedures may be different than the general election laws. [11:16-102]~~

230:40-5-2. Copy of charter required [REVOKED]

~~Cities that have home rule charters are required by law to furnish a copy of the charter, as it applies to conduct of elections, to the Secretary of the County Election Board in the county wherein the municipality's central offices are located. [26:13-109] Any changes in a charter, as it applies to the conduct of elections, must be provided immediately to the appropriate County Election Board.~~

230:40-5-3. Home rule charter cities may follow state law [REVOKED]

~~Cities with home rule charters may choose to follow any provision of state election law when the charter is silent on the matter addressed by the provision of law. [11:16-102] The municipality must indicate in its resolution to the County Election Board those provisions of state election law it chooses to follow. [11:16-102]~~

230:40-5-4. Absentee voting required in home rule charter cities [REVOKED]

~~(a) Absentee voting is required in all municipal elections --- including elections for home rule charter cities --- conducted by the County Election Board. [26:14-101]~~

~~(b) A home rule charter city may adjust the dates of its filing period and elections to allow sufficient time for the County Election Board to print and mail absentee ballots to voters and for voters to return their voted absentee ballots. [26:14-101(A)]~~

~~(c) When a home rule charter city schedules an election on the same date as an election for any other entity that shares territory with the municipality, the home rule charter city shall be required to provide no less time for the mailing and return of absentee ballots than the least time provided by the other entity. [26:14-101(B)]~~

230:40-5-4.1. Provisional voting required in home rule charter cities [REVOKED]

~~Provisional voting is required by state law in all municipal elections — including elections for home rule charter cities — conducted by the County Election Board. Provisional voting in a municipal election shall be conducted under the same procedures as for a state or county election.~~

230:40-5-5. Statutory election dates required for home rule charter cities [REVOKED]

~~Effective July 1, 2005, no County Election Board shall be required to conduct elections for any municipality, including home rule charter municipalities, on any date other than an election date specified in state election law. [26:13-101.1] In addition to scheduling elections on statutory election dates, all municipalities that hold both primary and general elections shall provide no fewer than 35 days between the elections. [26:13-101.1] However, a home rule charter city may schedule primary and general elections on the identified election dates in March and April when there are fewer than 35 days between the election dates. [26:13-101.1]~~

PART 3. NONPARTISAN MUNICIPAL ELECTIONS

230:40-5-9. Municipal elections shall be nonpartisan [REVOKED]

~~Municipal elections held by statutory municipalities shall be nonpartisan and all candidates shall file without any indication of political party affiliation. [11:16-105.1] *No primary election shall be held in a nonpartisan election.* [11:16-105.1]~~

230:40-5-10. Partisan elections authorized by ordinance [REVOKED]

~~A statutory municipality may hold partisan elections if, prior to the date for submitting to the County Election Board the resolution calling for the election, an ordinance providing for partisan elections is in effect. [11:16-105.1]~~

230:40-5-11. Ordinance must be attached to resolution [REVOKED]

~~A copy of an ordinance providing for partisan elections must be attached to the resolution submitted to the County Election Board. [11:16-105.1] If a copy of the ordinance is not attached, the election shall be held in a nonpartisan manner and the candidates shall appear on the ballot without any indication of political party affiliation. [11:16-105.1]~~

PART 5. STATUTORY MUNICIPALITIES

230:40-5-16. Statutory municipalities [REVOKED]

~~Municipalities that do not have home rule charters are statutory municipalities. The general election laws for municipalities are applicable. [11:16-104] A statutory municipality has one of the following forms of government described in state law:~~

- (1) Town
- (2) Aldermanic City
- (3) Strong-Mayor-Council City
- (4) Council-Manager City

230:40-5-18. Notice of elections [REVOKED]

A statutory municipality shall submit a resolution to the Secretary of the County Election Board conducting the election not fewer than 15 days before the filing period. [26:13-102] In the event of a special election, such a resolution shall be submitted no fewer than 60 days before the election. [26:13-102] The resolution shall contain the following information:

- (1) *The dates of the election or elections;* [26:13-102(1)]
- (2) *The offices to be filled or the questions to be voted upon at the election or elections;* [26:13-102(2)]
- (3) *Qualifications for such offices;* [26:13-102(3)]
- (4) *Designation of which offices shall be filled by voting by ward and which offices shall be filled by voting at large;* [26:13-102(4)]
- (5) *Indication of whether the election will be partisan or nonpartisan;* [26:13-102(5)]
- (6) *For charter cities where the charter is silent, indication of any portion of state law which will apply; and* [26:13-102(6)]
- (7) A map showing the current, correct municipal boundaries and the current, correct ward boundaries within the municipality. [26:13-102(7)]
- (8) *Any other information necessary for conducting said election or elections.* [26:13-102(7)]

230:40-5-20. General laws apply [REVOKED]

Except as otherwise provided by law, the laws governing state and county Primary and General Elections shall be applicable to all municipal elections. [11:16-104]

PART 7. TOWN MEETINGS

230:40-5-25. Town meetings required [REVOKED]

Statutory municipalities with populations of fewer than 1,000 residents according to the most recent federal census are required to elect officers and consider questions at biennial town meetings or special town meetings of the registered voters of the municipality. [11:16-302] Town meetings shall be conducted under the provisions of the Oklahoma Town Meeting Act and the County Election Board shall have no responsibility for town meetings. [11:16-302]

230:40-5-26. Ordinance required to hold elections [REVOKED]

Any statutory municipality required to hold town meetings may adopt an ordinance requiring that its officers shall be elected and that questions shall be decided only at elections conducted by

~~the County Election Board in the county in which the municipality is located. [11:16-302] A municipality that passes such an ordinance must provide a copy of the ordinance to the Secretary of the County Election Board. [11:16-302]~~

230:40-5-27. Election laws apply [REVOKED]

~~In the event that a statutory municipality required to hold town meetings passes an ordinance requiring elections instead of town meetings, the same laws and procedures that apply to all other municipal elections shall apply to elections for the municipality. [11:16-302]~~

~~[Source: Amended at 22 Ok Reg 1909, eff 7-1-05]~~

230:40-5-28. Ordinance requiring election repealed [REVOKED]

~~A statutory municipality may repeal the ordinance requiring that officers be elected and questions be decided at elections conducted by the County Election Board. [11:16-302] *If the ordinance is repealed, elections of the municipality shall be at a town meeting.* [11:16-302] The governing body of the municipality shall provide a copy of the repealer to the Secretary of the County Election Board. [11:16-302]~~

230:40-5-29. Town meetings not required in municipalities with home rule charters [REVOKED]

~~Home rule charter cities with populations of fewer than 1,000 residents are not required to conduct town meetings. [11:16-302]~~

PART 9. PROCEDURES

230:40-5-34. Conduct of municipal elections [REVOKED]

~~(a) *All municipal elections shall be held at the same place and in the same manner prescribed for conduct of state and county elections unless otherwise provided by law.* [26:13-103(A)] All precincts located either totally or partially within the boundaries of a municipality shall be open for all elections held by the municipality. *Polling places shall be open from 7 a.m. until 7 p.m.* [26:13-103(C)] Each Precinct Election Board shall be the same as for state and county elections; however, if substitutions are necessary, such substitutions shall be made by the County Election Board. [26:13-103(C)] All municipal elections conducted by the County Election Board shall be held only on dates identified as election dates in state law. [26:13-101.1]~~

~~(b) If a precinct lies partly within the limits of a municipality, and that municipality certifies to the County Election Board in the resolution calling the election that no one resides within that portion of the precinct located in the municipality, then the precinct does not have to be open for the municipality's election. [26:13-103(C)] Except, however, a municipality shall not be permitted to close a precinct in a regular or special election held on the date of the state Primary Election, Runoff Primary Election, General Election, Presidential Preferential Primary Election, or a special state election.~~

230:40-5-35. Filing period for regular elections [REVOKED]

~~(a) **Nonpartisan elections.** The filing period for Regular Municipal Elections in municipalities that conduct nonpartisan elections shall begin at 8 a.m. on the first Monday in February in each odd-numbered year and end at 5 p.m. on the following Wednesday. [11:16-109; 16-110]~~

~~(b) **Partisan elections.** The filing period for Regular Municipal Elections in municipalities that hold partisan elections shall begin at 8 a.m. on the first Monday in December of even-numbered years and end at 5 p.m. on the following Wednesday.~~

230:40-5-36. No filing fees [REVOKED]

~~No filing fee shall be required for persons filing as candidates for statutory municipal offices nor shall such candidates be required to file petitions supporting their candidacies. [26:13-104]~~

230:40-5-37. Filing to be with Secretary [REVOKED]

~~Candidates for municipal offices shall file Declarations of Candidacy with the Secretary of the County Election Board. [11:16-109; 16-110]~~

230:40-5-38. Persons eligible to be candidates in nonpartisan elections [REVOKED]

~~To be eligible to become a candidate in a nonpartisan municipal election, a person must be registered to vote for at least six months prior to the filing period at an address within the municipality or in the ward if the office is from a ward. [11:16-110] Filing as a nonpartisan candidate in a nonpartisan municipal election shall not affect the candidate's political affiliation. [11:16-110]~~

230:40-5-39. Persons eligible to be candidates in partisan elections [REVOKED]

~~To be eligible to become a candidate in a partisan municipal Primary Election, a person must be registered to vote for at least six months prior to filing a Declaration of Candidacy at an address within the municipality or in the ward, if the office is from a ward. [11:16-109]~~

230:40-5-40. Persons not eligible to be candidates [REVOKED]

~~Persons who have been convicted of or who have entered pleas of guilty or nolo contendere to a misdemeanor involving embezzlement or a felony under the laws of this state or of the United States shall not be eligible to be a candidate for any state, county, municipal, judicial or school office or any other elective office of any political subdivision of this state for a period of 15 years following the completion of the sentence or during the pendency of an appeal of such conviction or plea. [26:5-105a] This shall not be construed to prohibit persons who have received pardons from being eligible for or from holding public office. [26:5-105a]~~

230:40-5-41. Date for nonpartisan municipal election [REVOKED]

~~Nonpartisan statutory municipal elections shall be held on the first Tuesday in April of each odd-numbered year. [11:16-103]~~

230:40-5-42. Dates of partisan municipal Primary and General Elections [REVOKED]

~~If a statutory municipality requires by ordinance that its elections be partisan, the Primary Election shall be held on the second Tuesday in February in each odd-numbered year. [11:16-107] The General Election shall be held on the first Tuesday in April in each odd-numbered year. [11:16-103]~~

230:40-5-43. No Runoff Primary [REVOKED]

~~There are no Runoff Primary Elections for municipalities.~~

230:40-5-44. Certification [REVOKED]

~~The County Election Board shall certify the results of municipal elections to the governing board of the municipality for which the election is held. [26:13-106] Certificates of election shall be issued to the successful candidates by the County Election Board in the same manner as prescribed for county officers in 230:35-3-91. [26:13-106; 26:8-103]~~

230:40-5-45. Eligible voters [REVOKED]

~~Only registered voters who reside within the municipal limits of any municipality shall be permitted to vote in any election held for said municipality. [26:13-108]~~

230:40-5-47. Dates cannot conflict [REVOKED]

~~No municipality shall schedule an election on any date during the 20 days immediately preceding a statewide Primary, Runoff Primary or General Election, or the Presidential Preferential Primary Election. [26:1-101; 26:1-102; 26:1-103; 26:20-101]~~

PART 11. BALLOT PRINTING

230:40-5-52. Materials and ballots [REVOKED]

~~The County Election Board shall provide all materials and ballots necessary to conduct a municipal election and such materials and ballots shall be the same, as nearly as possible, as those used for state and county elections. [26:13-105]~~

230:40-5-53. Order of names [REVOKED]

~~The order of names of candidates on all municipal ballots shall be determined by lot.~~

[26:6-109]

PART 13. EXPENSES

230:40-5-58. Expenses [REVOKED]

The municipality shall reimburse the County Election Board for all of the expenses of any municipal election. ~~[26:13-111] Election expenses include, but are not limited to, these items: compensation and mileage for Precinct Officials; compensation and mileage, if applicable, for the County Election Board Chairman and Vice Chairman; overtime compensation and related expenses for County Election Board employees incurred in connection with the municipal election; polling place fees; and the cost of supplies and ballots for the election. [26:13-111] When more than one entity holds an election on the same day, mutual costs — such as per diem and mileage for the members of the County Election Board — shall be divided into equal portions among the entities.~~

230:40-5-59. Pre-Election Expense Claim [REVOKED]

~~The Secretary of the County Election Board shall follow the procedures outlined in 230:35-3-29 through 230:35-3-49 to submit a Pre-Election Expense Claim to the governing board of the municipality holding an election. [26:3-105.1(A)] The Pre-Election Expense Claim is an estimate of the amount of compensation and mileage for Precinct Officials, Absentee Voting Board members, and special purpose precinct workers.~~

230:40-5-60. Claim for balance of election expenses [REVOKED]

~~As soon as possible following a municipal election, the Secretary shall submit a Record of Expense itemizing all election expenses to the governing board of the municipality. [26:3-105.1(D)] The Record of Expense shall show the amount prepaid by the municipality, as outlined in 230:40-5-59, deducted from the total amount of election expenses. The remaining balance shall be due 30 days after the Record of Expense is submitted to the municipality's governing board.~~

PART 15. MUNICIPALITIES IN MORE THAN ONE COUNTY

230:40-5-65. Municipalities in more than one county

- (a) **Supervision.** For a municipality that is located in more than one county, the election shall be conducted by the County Election Board wherein the municipality's central offices are located. [26:13-110] This County Election Board hereafter is called the "~~parent County Election Board.~~" "control(parent) County Election Board." The Election Boards of the other counties in which part of the municipality is located hereafter are called the "affected County Election Boards."
- (b) **Filing.** Candidates for municipal office shall file their Declarations of Candidacy with the

Secretary of the parent control(parent) County Election Board.

(c) **Notification required.** The Secretary of the parent control(parent) County Election Board shall notify the affected County Election Boards ~~of the dates of the election, the names of the candidates filing for office and any propositions or questions that shall appear on the ballot.~~ Such notification shall be in writing and shall be supplemented by oral communication, if possible, when a regular or special election is called by faxing or e-mailing a copy of the resolution and all related documents.

(d) **Ballot printing.** The Secretary of the affected County Election Board shall be responsible for printing ballots for the election for use in the affected county and for submitting the bill for such ballots to the control(parent) County Election Board after the election.

(e) **Receiving supplies, making returns.** Inspectors shall receive their supplies from and return them to the County Election Board of the county wherein their polling places are located. See 230:35-3-68 and 230:35-3-68.1.

(f) **Affected county results.** Affected County Election Boards shall meet on election night to canvass results. The Secretary of an affected County Election Board shall report the ~~results and the number of signatures on the Provisional Ballot Roster~~ in precincts involving the multi-county municipality to the parent control(parent) county on election night either by telephone e-mail or by fax. The County Election Board in an affected county shall meet after 5 p.m. on Friday following the election to certify the final election results. The Secretary of the affected County Election Board shall fax a signed and sealed copy of the Official Certification Report to the parent control(parent) County Election Board as soon as possible after the final results are certified on Friday evening. One original copy of the Official Certification Report signed by a quorum of the affected County Election Board and bearing the County Election Board seal shall be mailed to the parent County Election Board. See 230:35-3-91.

(g) **Certification.** The parent control(parent) County Election Board shall meet on election night to canvass returns from all precincts in the county and results reported by ~~telephone or fax through MESA~~ from each affected county. ~~The results for precincts in affected counties shall be entered manually into OEMS based on the results received by telephone or fax on election night.~~ Final election results shall be certified after 5 p.m. on Friday following the election. The affected County Election Boards shall fax a copy of the signed and sealed Official Certification Report to the parent control(parent) County Election Board. Upon receipt ~~and verification of the faxed Reports~~ copy and upon obtaining from MESA Official Certification Reports that include results from the affected county precincts, the parent control(parent) County Election Board shall certify the final election results. See 230:35-3-91.

(h) **Expenses handled through parent control(parent) board.** The parent control(parent) County Election Board shall receive claims from all affected counties and shall make all claims to the municipality. The parent control(parent) County Election Board shall receive payment for election expenses from the municipality and shall pay all expenses incurred in the election, including lump sum payments to affected County Election Boards for expenses incurred in those counties.

(i) **Reimbursement to affected county.** Upon receipt of the payment from the parent control(parent) County Election Board, the Secretary of the affected County Election Board shall deposit the payment in the Special Depository Account and shall pay expenses incurred in the county.

(j) **Absentee voting.** Voters who vote by absentee ballot in a multi-county municipal election

must make application to and receive absentee ballots from the County Election Board of the county in which they are registered.

(k) **Provisional voting.** Voters who may vote by provisional ballot in a multi-county municipal election must cast the provisional ballot in the correct precinct in the county in which they reside.

PART 17. SPECIAL ELECTIONS

230:40-5-77. Special elections for municipal offices [REVOKED]

~~(a) **Special partisan elections.** When a special partisan election must be held to fill a vacancy in an elected municipal office, the resolution of the municipality's governing body shall contain the following information. [11:16-114]~~

~~(1) The dates of a three-day filing period which shall begin on a Monday and end on the following Wednesday. [11:16-114] The filing period shall begin not less than 15 days from the date of the resolution. [11:16-114]~~

~~(2) The date of the special primary election, which shall be not less than 45 days after the close of the filing period. [11:16-114]~~

~~(3) The date of the special general election, which shall be not less than 45 days after the date of the special primary. [11:16-114]~~

~~(4) A home rule charter municipality may schedule primary and general elections on the identified election dates in the months of March and April when there are fewer than 35 days between the election dates. [26:13-101.1]~~

~~(b) **Special nonpartisan elections.** When a special nonpartisan election must be held to fill a vacancy in an elected municipal office, the resolution of the municipality's governing body shall contain the following information. [11:16-114]~~

~~(1) The dates of a three-day filing period which shall begin on a Monday and end on the following Wednesday. [11:16-114] The filing period shall begin not less than 15 days from the date of the resolution. [11:16-114]~~

~~(2) The date of the special general election, which shall be not less than 45 days after the close of the filing period. [11:16-114]~~

~~(c) **Time for special election resolution.** A copy of the resolution or order shall be filed with the Secretary of the County Election Board not less than 60 days preceding the date of the special general election. [11:16-114; 26:13-102]~~

~~(d) **Dates for special elections.** Special municipal elections may be called only on election dates established by state law. [26:13-101.1]~~

~~(e) **Special election not permitted.** A special election shall not be called to fill a vacancy in an elected municipal office if the vacancy occurs or the election would be held within 120 days of the first day of the filing period for the next regular municipal election. [11:8-109] In such circumstances, the vacancy shall be filled for the balance of the unexpired term at said regular municipal election.~~

230:40-5-78. Special election for municipal questions [REVOKED]

~~A special election on any municipal question shall be held not less than 60 days from the~~

date the election is called by the governing board of the municipality. [26:12-116] A special election on a municipal question may be called only on an election date established by state law. [26:13-101.1]

PART 19. STATISTICAL REPORTS

230:40-5-84. Analysis of Municipal Election reports [REVOKED]

~~Within ten days after a Regular Municipal Election or any special municipal election, the Secretary shall submit an analysis report of said election to the State Election Board. The State Election Board shall furnish the analysis report forms at the appropriate time.~~

230:40-5-85. Information on municipal candidate elections [REVOKED]

~~The State Election Board reports the names of all persons elected to municipal office to the Oklahoma Municipal League. The Secretary of the County Election Board shall send to the State Election Board copies of each of the following documents for every municipal election involving candidates. These documents shall accompany the municipal election analysis forms:~~

- ~~—— (1) A copy of the resolution calling a regular or special municipal election involving candidates.~~
- ~~—— (2) A copy of the Declaration of Candidacy form for each candidate elected to municipal office.~~
- ~~—— (3) A copy of the Declaration of Candidacy form for each candidate who is unopposed for election to municipal office.~~

SUBCHAPTER 7. SCHOOL ELECTIONS

PART 1. DATES FOR ANNUAL SCHOOL ELECTIONS

230:40-7-1. Annual School Elections [REVOKED]

~~Annual School District and Technology Center School District Elections shall be held *on the second Tuesday in February of each year.* [26:13A-103(A)] However, in any even-numbered year in which a Presidential Preferential Primary Election is held in February, the Annual School Election shall be held on the same date as the Presidential Preferential Primary Election. [26:13A-103]~~

230:40-7-2. Annual School Runoff Election [REVOKED]

~~In the event that no candidate receives more than 50% of the votes cast in the Annual School Election, a second election shall be held between the two candidates with the highest number of votes. The Annual School Runoff Election shall be held on the first Tuesday in April. [26:13A-103(A)]~~

230:40-7-3. Resolution required [REVOKED]

(a) A resolution from the Board of Education of a school district or a technology center school district calling for the Annual School Elections shall be delivered to the County Election Board Secretary no fewer than 15 days before the first day of the candidate filing period established by law. [26:13A-109(C)]

The resolution for the Annual School Election also shall call for an Annual School Runoff Election to be held if needed under the circumstances set forth by law.

(b) A resolution from the Board of Education of a school or technology center district calling for a special election shall be delivered to the County Election Board Secretary no fewer than 60 days before the special election date. [26:13A-109(D)]

(c) A resolution from the Board of Education of a school or technology center district shall include, but shall not be limited to, the following information: [26:13A-109(B)]

—— (1) The date of the election. [26:13A-109(B)] The resolution for the district's Annual School Election must also include the date of the Annual School Runoff Election.

—— (2) The office or offices, identified by number, to be filled. [26:13A-109(B)]

—— (3) The qualifications of candidates for office. [26:13A-109(B)]

—— (4) The length of the term of each office to be filled. [26:13A-109(B)]

—— (5) Descriptions of the election districts within the school district, if applicable; or, in the case of a technology center district, descriptions of the zones within the district. [26:13A-109(B)]

—— (6) Ballot titles of all questions to be voted upon, if applicable. [26:13A-109(B)]

—— (7) Information identifying the persons eligible to vote in the election. [26:13A-109(B)]

—— (8) Certification to close split precincts in which no one lives in the district for this election, if applicable. [26:13A-101]

—— (9) All other information required to conduct the election or elections. [26:13A-109(B)]

230:40-7-4. Posting copy of legal notice of school election at County Election Board office [REVOKED]

(a) The Board of Education of school districts and technology center school districts are required by law to publish a legal notice of all regular and special elections. In addition to publishing the notice as required by law, the Board of Education is required to post a copy of the legal notice at the County Election Board offices in all counties included in the district.

(b) Upon receipt of a copy of a legal notice described in (a) of this section, the Secretary of the County Election Board shall post the notice in a conspicuous location in the County Election Board office. The Secretary of the parent County Election Board of a multi-county district shall mail or fax a copy of the legal notice to each affected County Election Board, where it also shall be posted.

PART 3. BOARD DISTRICTS

230:40-7-8. Purpose of board districts [REVOKED]

Board districts established within school districts are used to nominate candidates for

~~member of the Board of Education. Each office on the Board of Education represents a board district. The offices on the Board of Education are required to be designated by consecutive numbers and shall correspond with the board districts. A candidate for an office on the Board of Education must be registered to vote at an address located within the board district represented by the office. Candidates are nominated by board district but are elected at large. However, some school districts elect Board of Education members by board district rather than at large.~~

230:40-7-9. Establishment of board districts [REVOKED]

~~It is the duty of the Board of Education of each independent school district to apportion the territory of the school district into board districts as required by law.~~

230:40-7-10. Exceptions to establishment of board districts [REVOKED]

~~Independent school districts with an average daily attendance of fewer than 1,000 students may choose not to establish board districts. [70:5-107A (B)(1)] These independent school districts may nominate and elect all Board of Education members at large. [70:5-107A(B)(1)] Elementary school districts shall have all Board of Education members elected at large. [70:5-107A(B)(1)]~~

PART 5. FILING PERIOD

230:40-7-16. Filing period [REVOKED]

(a) **Filing period.** The filing period for member of the Board of Education shall begin at 8 a.m. on the first Monday in December and shall end at 5 p.m. on the following Wednesday.

[26:13A-105]

(b) **Filing with the County Election Board.** Candidates for member of the Board of Education of every school district or technology center school district shall file Declarations of Candidacy with the Secretary of the County Election Board. [26:13A-105] For multi-county school and technology center school districts, filing may occur either with the parent County Election Board or with the affected County Election Board in the county where the candidate resides.

[26:13A-105]

(c) **Candidates nonpartisan.** Candidates for member of the Board of Education shall not indicate a party affiliation on their Declarations of Candidacy.

230:40-7-17. Qualifications [REVOKED]

~~A person must have been registered to vote at an address located within the geographical boundaries of the school district for six months preceding the first day of the filing period to be eligible to become a candidate. [26:13A-106(A)] In school districts that are divided into board districts, a person must be registered to vote at an address located within the geographical boundaries of the board district for six months preceding the first day of the filing period to be eligible to become a candidate. [26:13A-106(A)]~~

230:40-7-18. Persons not eligible to be candidates [REVOKED]

~~Persons who have been convicted of or who have entered pleas of guilty or nolo contendere to a misdemeanor involving embezzlement or a felony under the laws of this state or of the United States shall not be eligible to be a candidate for any state, county, municipal, judicial or school office or any other elective office of any political subdivision of this state for a period of 15 years following the completion of the sentence or during the pendency of an appeal of such conviction or plea. [26:5-105a(A)] This shall not be construed to prohibit persons who have received pardons from being eligible for or from holding public office. [26:5-105a(B)]~~

230:40-7-20. Withdrawals [REVOKED]

~~A candidate who has filed may withdraw from the Annual School Election by filing a written notice with the Secretary of the County Election Board no later than 5 p.m. Friday following the close of the filing period. A candidate in the Annual School Runoff Election may withdraw by filing a written notice with the Secretary of the County Election Board no later than 5 p.m. on the Friday following the date of the Annual School Election.~~

230:40-7-21. Contests of candidacy [REVOKED]

~~Contests of candidacy for member of the Board of Education are filed and conducted in the same manner as provided for county office. See 230:20-5-1 through 230:20-5-17.~~

PART 7. BALLOT PRINTING

230:40-7-26. Materials and ballots [REVOKED]

~~All materials and ballots necessary to conduct any school district or technology center district election shall be provided by the County Election Board and shall be the same, as nearly as possible, as those used for state and county elections.~~

230:40-7-28. Ballot quantities [REVOKED]

~~The Secretary shall cause a sufficient number of ballots to be printed for the election, but shall not necessarily be required to print a ballot for each registered voter. A quantity of extra ballots also shall be printed to provide a safety stock and to prepare the test deck of ballots as outlined in 230:50-3-69.~~

230:40-7-29. Mill levy ballots [REVOKED]

~~(a) **Ballot text.** Each school district is responsible for providing the text of the mill levy questions to the Secretary of the County Election Board in the manner described in 230:40-7-3. The Secretary shall cause the text provided by the school district to be printed on the school~~

district's ballot.

~~(b) **Ballot order.** Mill levy questions for all school districts shall appear on the ballot in the following order:~~

~~—— (1) Emergency levy.~~

~~—— (2) Local support levy.~~

~~—— (3) Building fund levy.~~

~~(c) **Ballot heading.** The number of mills in the levy shall not appear in the heading printed on the ballot.~~

~~(d) **Permanent levies.** If a school district has voted to establish permanent levies, the emergency, local support, and building fund levies shall not appear on the annual ballot.~~

PART 9. PROCEDURES

230:40-7-34. General laws apply [REVOKED]

~~The laws governing state and county Primary and General Elections shall be applicable to all school district and technology center district elections, except as otherwise provided by law.~~

230:40-7-35. Precincts in school elections

(a) **Precincts in school and technology center district elections.** All precincts totally or partially contained within the geographical boundaries of a school district or a technology center district shall be open for all elections held by the district except as provided in (b) or (c) of this section.

(b) **Closing a split precinct in which no one lives in the district.** A school district or technology center district may close a split precinct by certifying in the resolution that no one resides in the part of the precinct located within the district's boundaries. [26:13A-101(B)] Prior to preparing the resolution, district officials should contact the Secretary of the County Election Board to verify that no registered voters in the precinct are assigned by ~~ØEMS-MESA~~ to the district and that no voters who are unassigned to a school district in the precinct are believed to be located within the district's boundary. In addition, before including the certification required to close the precinct in the resolution, a district official should visit the area in question to verify that no one resides there. When a split precinct is closed as provided in this subsection, the precinct shall not be included in the district's election; the district shall incur no expenses related to the precinct polling place; neither regular nor absentee ballots shall be printed for the precinct; and the services of neither the nursing home nor in-person Absentee Voting Board shall be required by the district for the precinct.

(c) **Closing the polling place for a split precinct with 100 or fewer voters.** A school district or technology center school district may close the polling place for a split precinct in which there are 100 or fewer registered voters in the district only under the circumstances outlined in 230:40-7-35.1 and by following the procedure outlined in that Section. [26:13A-101(C)] When a polling place for a split precinct is closed as outlined in 230:40-7-35.1, the district the precinct shall remain in the district's election but the district shall not incur any costs or share in Precinct Official compensation, Precinct Registry fees, or polling place rent for the precinct polling place

for the election. Regular ballots shall not be printed for the precinct. However, absentee ballots shall be printed for the precinct and the services of the in-person Absentee Voting Board and a nursing home Absentee Voting Board, if necessary, shall be required.

(d) Closing a split precinct or a polling place for a split precinct located in an affected county. If the split precinct to be closed as outlined in (b) of this section is located in an affected county, the Secretary of the ~~parent-control (parent)~~ County Election Board shall close and remove the precinct in MESA during election setup and shall notify the Secretary of the affected County Election Board that the precinct will be closed and removed from the district's ~~for the~~ election. If the polling place for a split precinct to be closed as outlined in (c) of this section and in 230:40-7-35.1 is located in an affected county, the request to close the polling place for the precinct shall be submitted to the Secretary of the ~~parent-control (parent)~~ County Election Board with the resolution calling the election. The ~~parent-control (parent)~~ county Secretary immediately shall forward the request to close the polling place for the split precinct to the Secretary of the affected County Election Board. The Secretary of the affected County Election Board shall follow the procedure outlined in 230:40-7-35.1 and shall notify both the district officials and the ~~parent control (parent)~~ County Election Board Secretary of the approval or denial of the request. If the request is approved, the Secretary of the control(parent) County Election Board shall close the polling place for the split precinct in MESA.

(e) Closing split precinct or a polling place for a split precinct prohibited on state election dates. A school district shall not be permitted to close a precinct or a polling place for a split precinct for any reason in a regular or special election held on the date of the state Primary Election, Runoff Primary Election, General Election, or Presidential Preferential Primary Election or a special or county state election.

230:40-7-35.1. Procedure for closing the polling place for a split precinct in which 100 or fewer voters are registered in school district or technology center district

(a) A request to close a the polling place for a split precinct with 100 or fewer voters registered in the school district or technology center district shall be made in writing and shall be submitted to the Secretary of the ~~parent-control(parent)~~ County Election Board with the resolution calling the election. A request to close ~~such a~~ polling place for a split precinct in the Annual School Election shall be submitted no later than 15 days before the candidate filing period for Board of Education candidates. A request to close ~~such a~~ polling place for a split precinct in the Annual School Runoff Election shall be submitted no later than 45 days prior to the election. A request to close ~~such a~~ polling place for a split precinct in a special election shall be submitted no later than 60 days before the special election date. District officials may use a form prescribed by the Secretary of the State Election Board to make the request but use of the form is not required. A letter containing substantially the same information shall be sufficient.

(b) Upon receiving a request to close a polling place for a split precinct in which 100 or fewer voters are registered at addresses within the district's boundaries and when all voters in the precinct are assigned to a school district in the Street Guide, the Secretary of the County Election Board shall follow these steps to approve or disapprove the request.

(1) Determine the number of registered voters in the precinct who are assigned in the Street Guide to this school or technology center district.

(A) If more than 100 voters already are assigned to the district, the polling place

for the split precinct cannot be closed for the election. Notify the district superintendent that the request cannot be approved for this reason.

(B) If fewer than 100 voters are assigned to the district, proceed to the next step.

(2) Determine whether the voters in the district are eligible to vote in any other election being held on the same date.

(A) If voters in the district are eligible to vote in another election on the same date, the request to close the polling place for a split precinct shall be denied.

(B) If voters in the district are not eligible to vote in another election on the same date, the request to close the polling place for a split precinct shall be approved.

(c) Upon receiving a request to close a polling place for a split precinct in which 100 or fewer voters are registered at addresses within the district's boundaries and when some voters in the precinct are not assigned to a school district in the Street Guide, the Secretary of the County Election Board shall follow these steps to approve or disapprove the request.

(1) Follow the steps outlined in (b) (1) and (2) of this Section, then proceed with the following steps.

(2) Send a copy of the Registered Voter Mailing List or of a Precinct Registry for the precinct and a copy of the precinct map showing the district's boundary to the district superintendent.

(3) The superintendent shall be required to examine the residence addresses of voters in the precinct who are not assigned to a school district. The superintendent shall mark the list to indicate which voters, if any, are believed to be registered at addresses located within the boundaries of the district. The superintendent shall return the marked list to the Secretary of the County Election Board within five business days.

(4) Upon receiving the list of unassigned voters back from the superintendent, the Secretary shall count the voters marked by the superintendent. Add the number of voters marked on the list to the number of voters assigned to the school district by MESA.

(A) If the total number is 100 or less, the polling place for the split precinct may be closed for the election.

(B) If the total number is more than 100, the request must be denied and the polling place for the split precinct must remain open for the district's election.

(C) Even if the number is 100 or less, the polling place for the split precinct must remain open for the district's election if voters in the district are eligible to vote in another election in the precinct on the same date.

(5) The Secretary shall notify district officials whether the polling place for the split precinct will be closed or must remain open.

(6) The Secretary shall prepare and mail to each voter identified in the district a notice that the polling place for the split precinct will be closed for the district's election. A yellow application for absentee ballots shall be enclosed with the notice, as well as information about in-person absentee voting for the election. These notices shall be mailed to voters not less than 30 days prior to the election.

(7) The Secretary shall monitor voter registration activity in the precinct. If a new voter is assigned in the Street Guide to the school or technology center district in the split precinct, the Secretary shall mail the notice and information described in (6) of this subsection to the new voter immediately.

230:40-7-36. Precinct Officials [REVOKED]

~~The Precinct Officials shall be the same as for state and county elections. If substitutions are necessary, the substitutions shall be made by the County Election Board.~~

230:40-7-37. Precinct Registries [REVOKED]

~~Precinct Registries shall be used in all school district and technology center district elections. A Precinct Registry fee shall be charged as outlined in 230:35-3-57.1.~~

230:40-7-38. Eligible voters [REVOKED]

~~A person must be registered to vote at an address located within the geographical boundaries of the school district in order to be eligible to vote in an election held by the district. [26:13A-106(B)] A person must be registered to vote at an address located within the geographical boundaries of the board district to be eligible to vote in a board district within a school district. [26:13A-106(B)]~~

230:40-7-39. Absentee voting [REVOKED]

~~Absentee voting shall be available in all school district and technology center district elections. The procedures for absentee voting shall be the same as for all other elections. Applications for absentee ballots shall be processed and the ballots shall be issued by the Secretary of the County Election Board in the county wherein the voter is registered. See 230:30.~~

230:40-7-39.1. Provisional voting [REVOKED]

~~Provisional voting is required by state law in all school district and technology center school district elections. Provisional voting in a school or technology center election shall be conducted under the same procedures as for a state or county election.~~

230:40-7-40. Forms provided by the County Election Board [REVOKED]

~~All forms used in school district and technology center district elections shall be provided by the County Election Board.~~

230:40-7-41. Assembling and storing school election supplies [REVOKED]

~~No later than January 15, the Secretary shall assemble supplies for each precinct for the Annual School Elections. Supplies for the Annual School Runoff Election shall be assembled, if needed, no later than March 1. Some materials cannot be assembled until after ballots are printed. Supplies for school elections shall be assembled in the same manner as supplies for all other elections. See 230:35-3-3. Once the supplies for each precinct have been assembled, the supplies shall be stored in a suitable place until additions can be made at a later date before the election.~~

230:40-7-42. Certification

The County Election Board shall certify the results of the election to the Board of Education of the school district. For all school elections, the County Election Board shall certify only the number of votes ~~for and against a question shall not indicate whether or not the candidate or question received a lawful majority~~ cast in the election for each candidate and for each proposition. The County Election Board shall canvass the results of all school and technology center district elections on election night and shall determine the number of signatures on provisional ballot rosters. The final election results for both candidate races and ~~questions~~ propositions shall be certified after 5 p.m. on Friday following the election. See 230:35-3-91. The ~~parent control~~(parent) County Election Board of a multi-county school district may certify the results of the multi-county election after 5 p.m. upon receipt of a faxed copy of the signed and sealed Official Certification Report from each affected county and upon printing Official Certification Reports from MESA that include results from affected county precincts.

PART 11. SPECIAL ELECTIONS

230:40-7-47. Notice of special election [REVOKED]

~~(a) A special election may be called by the Board of Education. The Board of Education shall notify the County Election Board of the election by delivering a resolution to the Secretary not fewer than 60 days preceding the election. [26:13A-109(D)] The resolution shall contain the information necessary for the County Election Board to conduct the election, as outlined in 230:40-7-3.~~

~~(b) The Board of Education may call a special election to be held on the date of the Annual School Runoff Election by delivering a resolution to the Secretary of the County Election Board not fewer than 45 days preceding the election. [26:12-116]~~

230:40-7-48.1. Dates for special school elections [REVOKED]

~~Special school elections may be held only on those dates established by law for special elections. See 230:40-3-1.1.~~

PART 13. EXPENSES

230:40-7-56. Costs to be divided [REVOKED]

~~In the event that another entity has an election on the same day as a school district, mutual costs of the election shall be divided equally among all the entities. [26:13A-111(B)]~~

230:40-7-57. Claims for Precinct Official and Absentee Voting Board member

compensation [REVOKED]

~~Precinct Officials and Absentee Voting Board members shall be compensated for service in school elections at the same rate as for state and county elections. An itemized estimate of the amount of Precinct Official and Absentee Voting Board member compensation for the election shall be submitted to the Board of Education by the Secretary. See 230:35-3-29. If a school election is held concurrently with a state or county election, the entire cost of Precinct Official and Absentee Voting Board member compensation shall be paid by the state and/or county. See 230:35-3-30 and 230:35-3-33.~~

230:40-7-58. Claim for balance of election expenses [REVOKED]

~~The school district shall reimburse the County Election Board for all of the expenses of its election. Election expenses include, but are not limited to these items: Precinct Official compensation and mileage; compensation and mileage, if applicable, for the Chairman and Vice Chairman of the County Election Board; overtime compensation and related expenses for County Election Board personnel incurred in connection with the school district's election; polling place fees; and the cost of supplies and ballots for the election. As soon as possible following the election, the Secretary shall submit an itemized claim for all election expenses to the Board of Education. The itemized claim shall show the amount pre-paid for Precinct Official and Absentee Voting Board member compensation deducted from the total amount of election expenses. See 230:35-3-41.~~

230:40-7-59. Funds deposited in Special Depository Account [REVOKED]

~~Immediately upon receipt of funds for Precinct Official and Absentee Voting Board member compensation or of reimbursement for the balance of election expenses from the school district, the Secretary shall deposit the funds in the Special Depository Account. [26:3-105.1(B)] Payments for election expenses shall be made as soon as possible after funds have been deposited in the Special Depository Account.~~

PART 17. ANNEXATION ELECTIONS

230:40-7-69. Annexation elections [REVOKED]

~~All or part of a school district may be annexed to one or more other school districts when approved at an annexation election. [70:7-101(A)]~~

230:40-7-72. Annexations without election [REVOKED]

~~If the area proposed to be annexed constitutes less than 2% of the total area of the school district in which such area is located, and if there are no qualified electors residing in such area, no election is required. [70:7-101] It is the responsibility of the Boards of Education involved in the annexations to notify the County Election Board of the changes in the boundaries of the school districts involved resulting from annexations accomplished without an election.~~

PART 21. FILLING VACANCIES

230:40-7-91. Methods of filling vacancies [REVOKED]

Vacancies on the Board of Education shall be filled by appointment by the remaining members of the Board. ~~[26:13A-110(A)] Persons appointed to fill such vacancies in the first half of the term of office for the board position shall serve only until the next succeeding election, at which time the office which they hold shall be placed on the ballot for the balance of the unexpired term. [26:13A-110(A)] Vacancies filled by appointment following the delivery of the resolution calling for regular elections to the secretary of the county election board shall be filled until the regular elections the following year. [26:13A-110(A)] Persons appointed to fill such vacancies after the first half of the term of office for the board position shall serve for the balance of the unexpired term. [26:13A-110(A)]~~ It is the responsibility of the Board of Education to determine whether a vacancy occurs in the first half of the term of office and whether an unexpired term is placed on the ballot. If the Board of Education does not fill the vacancy by appointment within 60 days after the vacancy is declared, the Board shall call a special election to fill the vacancy. ~~[26:13A-110(B)]~~

230:40-7-92. Elections to fill vacancies [REVOKED]

In the event a vacancy that occurs during the first half of the term of office has not been filled by appointment within 60 days, the Board of Education shall call a special election to fill the vacancy for the unexpired term. ~~[26:13A-110(B)]~~ A resolution calling for the election must be delivered to the County Election Board not less than 60 days preceding the election. See 230:40-7-3 and 230:40-7-47. A special election to fill a vacancy on the Board of Education shall be conducted in the same manner as all other school elections, except that a runoff election shall not be held.

PART 23. MULTI-COUNTY SCHOOL DISTRICTS

230:40-7-97.1. Elections for technology center districts serving 70 or more school districts [REVOKED]

The Board of Education for a technology center district that serves 70 or more school districts shall consist of one member elected from each of the district zones. ~~[70:14-108(D)]~~ The electors of each district zone shall elect a person, who shall be a resident of the district zone, to represent the zone on the Board of Education. ~~[70:14-108(D)]~~ As of July 1, 2009, only the Kiamichi Technology Center district is affected by this requirement.

230:40-7-99. Designation of County Election Boards

The County Election Board in the county in which supervision of a multi-county school

district is located shall be designated as the "~~parent~~" "control(parent)" County Election Board. The County Election Boards in other counties in which part of the school district is located shall be designated as "affected" County Election Boards. A County Election Board may be "~~parent~~" "control(parent)" for some school districts and "affected" for other school districts.

230:40-7-100. Receipt of resolutions

Resolutions calling for elections in multi-county school districts shall be delivered to the Secretary of the ~~parent~~control(parent) County Election Board by the Board of Education.

230:40-7-101. Filing

Candidates for member of the Board of Education ~~shall~~may file Declarations of Candidacy with the Secretary of the ~~parent~~control(parent) County Election Board or with the Secretary of the County Election Board in the county where the candidate resides. [26:13A-105] If a candidate files a Declaration of Candidacy with the Secretary of an affected County Election Board, that Secretary immediately shall notify the Secretary of the control(parent) County Election Board of the filing and shall transmit a copy of the Declaration of Candidacy to the control(parent) County Election Board. The control(parent) County Election Board shall enter the candidate's information into MESA.

230:40-7-102. Notification of affected County Election Boards

The Secretary of the ~~parent~~control(parent) County Election Board shall notify the affected County Election Boards of an election immediately upon receipt of the resolution. The notification shall be in writing and shall include a copy of the resolution. ~~Following the filing period, the parent County Election Board shall notify the affected County Election Boards of the names of the candidates who filed for office.~~

230:40-7-103. Ballots and related materials [REVOKED]

~~The Secretary of the parent County Election Board shall be responsible for the printing of absentee ballots, regular ballots and related materials and for the distribution of these items to the affected County Election Boards.~~

230:40-7-106. Board meetings shall be scheduled

The County Election Board in each affected county shall schedule a meeting to canvass returns on the night of the election. The ~~parent~~control(parent) County Election Board shall schedule a meeting to canvass returns on election night. Another meeting shall be scheduled after 5 p.m. on Friday following the election for the affected County Election Board to certify the final results of the election to the control(parent) County Election Board. The control(parent) County Election Board also shall schedule a meeting after 5 p.m. on Friday following the election to certify the complete and final election results to the Board of Education.

230:40-7-107. Reporting results to parent County Election Board

Affected County Election Boards shall meet on the night of the election to canvass returns and report results to the parent County Election Board. The results shall be in the form of an Official Certification Report signed by a quorum of the affected County Election Board as outlined in 230:35-3-91. A copy of the signed Official Certification Report shall be faxed to the parent County Election Board. The original, signed certification report shall be mailed to the parent County Election Board on election night. The affected County Election Board shall meet again after 5 p.m. on Friday following the election to certify the final election results to the parent County Election Board. The control(parent) County Election Board shall obtain results from the affected County Election Boards in MESA both on election night and on Friday following the election. After 5 p.m. on Friday following the election, each affected County Election Board shall fax a copy of the signed and sealed Official Certification Report for the district's election to the control(parent) County Election Board as soon as possible following certification of the election.

230:40-7-109. Certification by parent control(parent) County Election Board

The parent County Election Board shall meet on election night to canvass returns from precincts within the parent control(parent) county and results reported by ~~telephone or fax from~~ affected counties through MESA. The Board shall meet again after 5 p.m. on Friday following the election to certify the final results of the election. See 230:40-7-42.

230:40-7-110. Expenses

The parent control(parent) County Election Board shall receive claims for expenses for the multi-county election, including claims from the affected County Election Boards for expenses incurred within their counties. The parent control(parent) County Election Board shall file a claim for the total expenses of the election, including those incurred by affected County Election Boards, with the Board of Education.

230:40-7-111. Reimbursement from Board of Education

Reimbursement from the Board of Education for expenses of the election shall be deposited by the Secretary of the parent control(parent) County Election Board in the Special Depository Account. The Secretary then shall pay the expenses incurred for the election, including affected counties.

230:40-7-112. Reimbursement to affected counties

When reimbursing affected counties for the expenses of the election, the Secretary of the parent control(parent) County Election Board shall make one lump sum payment to each affected County Election Board. The Secretary of each affected County Election Board shall deposit the payment in their respective Special Depository Accounts and shall pay expenses in their counties accordingly.

PART 25. STATISTICAL REPORTS

230:40-7-118. Report on Analysis of Annual School Elections or of special elections [REVOKED]

~~Within ten days after the Annual School Election, the Annual School Runoff Election or any special school election, the Secretary shall submit a report of said election to the State Election Board. The State Election Board shall furnish the report forms at the appropriate time.~~