

FREQUENTLY ASKED QUESTIONS

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When must a candidate file for the school board election?

Candidates can file from Monday, Dec. 7 through Wednesday, Dec. 9, 2020. [26 O.S. § 13A-105](#). Keep in mind that filings must take place before the close of business at the county election board. [Click here](#) to download the candidate filing packet.

When are the school board elections?

The school board general election is April 6, 2021. If more than two candidates file during the December filing period for an open seat or unexpired term, the election will be Tuesday, Feb. 9, 2021. If no candidate receives more than 50 percent of the vote, the top two candidates will proceed to the school board general election on Tuesday, April 6, 2021. [26 O.S. § 13A-103](#). A candidate who receives a majority of the vote (50% + 1) is elected.

Who is eligible/ineligible to file for the school board election?

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. [26 O.S. § 13A-106](#).

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. [26 O.S. § 13A-106](#).

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 state, municipal, judicial, or school office or any other elective office of any political subdivision of this state for a period of fifteen years following completion of his sentence or during the pendency of an appeal of such conviction or plea.

The candidate is ineligible to run if he or she is an incumbent who has failed to earn his or her continuing education credits for the current term of office. [70 O.S. § 5-110.1](#), O.S.L. § 58 & [AG Op. No. 01-33](#).

No candidate 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 that 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 governed by the board of education. [70 O.S. § 5-113](#). Another exception applies for districts with an average daily membership of less than 400. A candidate for school board may be related by blood or marriage to a current district employee, if the district has an average daily membership of less than 400 and has adopted a policy permitting the exception pursuant to 70 O.S. §§ 5-113, 5-113.1 (effective April 23, 2018). Second-degree relatives may be employed as substitute teachers or as temporary substitute support employees if ADM is less than 5,000.

Who are “second degree” relatives?

- Spouse
- Child or Child’s Spouse
- Parent or Parent’s Spouse

- Grandchild or Grandchild's Spouse
- Grandparent or Grandparent's Spouse
- Sibling or Sibling's Spouse
- Spouse's Child or Spouse's Parent
- Spouse's Grandchild or Spouse's Grandparent
- Spouse's Sibling
- Siblings of "half-blood," meaning that two individuals share one parent, are considered equal to a full sibling sharing two parents.

Who can contest a candidacy?

Any candidate for the same office may contest the other person's candidacy. If the candidate is running unopposed, any voter who is eligible to vote for the candidate may contest the candidacy. [26 O.S. § 5-118](#), O.S.L. § 713.1.

How does someone contest a candidacy?

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.

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.

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.

[26 O.S. §5-118](#), et seq.

What are valid reasons to contest a candidacy?

A valid reason to contest a candidacy would include the candidate failing to meet the legal eligibility requirements outlined above in [“Who is eligible/ineligible to file for the school board election?”](#) Reasons may include, but are not limited to:

- Candidate does not live in the district.
- Candidate has no continuing education credits earned during her first 5 year term.
- Candidate was convicted of a felony 3 years ago.
- Candidate does not have a high school diploma or equivalent.
- Candidate is not registered to vote in this district.

What if no one files for a board seat?

If no one files for the open board seat, the seat is officially vacant as of the date of the election. The board of education would have 60 days from the date of the election to appoint an individual to the vacant seat or the board would have to call a special election to fill the vacancy. Any person appointed would have to meet all eligibility requirements as if they had run for office.

If only one person files for the seat, does the incumbent immediately turn possession of the seat over to the new person?

Even if only one person files for a seat, the candidate is ineligible to take office until the date of the election passes and the election results are certified. Because the official election takes place on Tuesday, April 6, election results should be certified by Friday, April 9, 2021. Absent a race, the election results could be certified as early as December of 2020. However, the certification alone does not end the previous person's term of

office. The original term of office runs through the April election date. Thus, the “new” board member is seated at the first meeting following the April election date.

If a new person will be taking the board seat, when does the current school board member’s term end?

The current school board member will continue serving until the date of the election passes and the election results are certified.

How does a new school board member take the oath of office?

The oath can be found at [70 O.S. §5-116](#). This oath can be taken at a board meeting after the board member is certified by the county election board. The method by which the oath is taken can vary. The new board member can read aloud the oath, or the board can utilize a “repeat after me” format. The oath can also be taken before a notary public.

How long will a current board member (whose term is ending) serve if he/she does not intend to run again or loses the election?

The current board members continue to serve until the election passes and election results are certified by the county election board.