An Act

ENROLLED SENATE
BILL NO. 838

By: Justice of the Senate

and

Sanders, Biggs and Perryman
of the House

An Act relating to free fair associations; amending 2 O.S. 2011, Section 15-68, as amended by Section 1, Chapter 104, O.S.L. 2012 (2 O.S. Supp. 2012, Section 15-68), which relates to boards of directors; modifying terms of office, modifying election procedure, requiring public notice, specifying procedures in the event of vacancy; repealing Sections 2, 3, 4 and 5, Chapter 104, O.S.L. 2012 (2 O.S. Supp. 2012, Sections 15-68.1, 15-68.2, 15-68.3 and 15-68.4), which relate to the board of directors; repealing terms of the board of directors, election procedures, board of director qualifications, and procedures in the event of vacancy; and providing an effective date.

SUBJECT: Free fair association

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

SECTION 1. AMENDATORY 2 O.S. 2011, Section 15-68, as amended by Section 1, Chapter 104, O.S.L. 2012 (2 O.S. Supp. 2012, Section 15-68), is amended to read as follows:

Section 15-68. A. There is hereby constituted a board of directors for the free fair association.

B. 1. The board of directors shall be composed of nine (9) members, who shall be by written ballot elected for a term of ~~four (4)~~ three (3) years. Three members shall be elected annually, one from each county commissioner's district of the counties ~~as provided in Sections 2 through 5 of this act~~, at a public meeting or convention of the qualified electors of each commissioner's district in the counties.

2. A qualified elector shall be a registered voter of the county and may only vote for the board members from the district in which the elector resides. The county commissioner holding the election may request proof of residency and a voter registration card of the county to qualify electors.

3. The board of county commissioners shall include in the publication notice of the election the requirements to be a qualified voter. Notice of the election shall be given by publication in a newspaper published in each of the counties for ten (10) days before the election. Notice of the filing period for the election shall be given in a newspaper published in the county, published one time at least ten (10) days before the filing period for the election.

C. The board of county commissioners shall, by resolution, set forth the following conditions concerning the election:

1. The filing period shall consist of five (5) consecutive business days and commence in January;

2. The date and time the filing period will commence and end;

3. The date, time and place of the election;

4. Only registered voters of the county are eligible to file as a candidate;

5. Any person so filing must reside in the commissioner's district or city they seek to represent;

6. Prospective candidates must file with the county clerk; and

7. The board of county commissioners shall prescribe a form to be used by prospective candidates filing for the position of director of the fair association board.

D. 1. The date of the election for the fair association board of directors shall be no later than three (3) weeks from the date of the final day of the filing period. If there is only one candidate for any of the commissioners' districts, the commissioners may cancel the election with notice being given by publication and posting at least ten (10) days prior to the election date previously established and the candidate shall be deemed to be elected.

2. In the event there is no candidate for the election to the fair association board of directors, the county commissioners shall appoint a director for each position for which no candidates have filed by the close of the filing period. The appointment or appointments will be announced no later than two (2) weeks from the closing of the filing period.

3. When a director is unable to fulfill the term to which the director has been elected to serve, for any reason, the board of county commissioners shall appoint the successor.

E. 1. At the annual election there shall be elected one (1) person from each commissioner's district who is a qualified elector of the district. Each shall serve as a director of the association for a term of three (3) years, and until a successor is elected or appointed and qualified.

2. The commissioner or commissioner's designee shall preside at the meeting and have the authority to appoint a secretary of the meeting. The commissioner and secretary shall certify to the county clerk of each of the counties the names of the directors elected, and the county clerk shall keep a record thereof and shall issue to each person elected a certificate of election.

F. When a tie vote occurs in the election of a fair association board of directors, the commissioner or commissioner's designee shall select the candidate by lot pursuant to the procedures set forth in Section 8-105 of Title 26 of the Oklahoma Statutes.

G. 1. The directors so elected shall meet at the next regularly scheduled monthly meeting immediately following the elections at the regular meeting place of the counties for the purpose of organization, and shall elect a president, a vice-president, a secretary and a treasurer; provided, that the secretary need not be a member of the board of directors.

2. The treasurer shall furnish a surety bond executed with a qualified surety company doing business in this state, in such amount as the directors of the board may determine to be necessary to indemnify against any loss which may arise by reason of failure to perform the necessary duties of the office or other misconduct in office for which the director shall be held liable.

~~D.~~ H. Meetings of the directors may be called by the president of the board or fixed by the board at any time convenient. However, the first election held under this section shall be on the first Saturday of June, and the board so elected at the election shall meet for organization purposes on the second Saturday of June of such year.

SECTION 2. REPEALER Sections 2, 3, 4 and 5, Chapter 104, O.S.L. 2012 (2 O.S. Supp. 2012, Sections 15-68.1, 15-68.2, 15-68.3 and 15-68.4), are hereby repealed.

SECTION 3. This act shall become effective November 1, 2013.

Passed the Senate the 4th day of March, 2013.

Presiding Officer of the Senate

Passed the House of Representatives the 9th day of April, 2013.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 10th

day of April, 20 13, at 3:14 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 15th

day of April, 20 13, at 2:23 o'clock P M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 15th

day of April, 20 13, at 4:08 o'clock P. M.

By: