

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

HOUSE BILL NO. 2299

BY: HUDSON

AS INTRODUCED

AN ACT RELATING TO THE INITIATIVE AND REFERENDUM;

AMENDING 34 O.S. 1991, SECTIONS 1, 2, 3, 4, 5, 6.1, 8 AND 9, WHICH RELATE TO INITIATIVE AND REFERENDUM PROCEDURES; MODIFYING THE REFERENDUM AND INITIATIVE PETITION FORM; MODIFYING THE MAXIMUM NUMBER OF SIGNATURES THAT APPEAR ON A SHEET; CLARIFYING INFORMATION ON COVER SHEETS; PROHIBITING THE SECRETARY OF STATE FROM PROVIDING COPIES OF SIGNATURE SHEETS UNDER CERTAIN CIRCUMSTANCES; MODIFYING PROCEDURES FOR HANDLING COPIES OF MEASURES; REQUIRING THE SECRETARY OF STATE TO MAKE COUNT OF SIGNATURES; SPECIFYING SIGNATURES NOT TO BE INCLUDED IN COUNT; ADDING PROCEDURES FROM WITHDRAWING A MEASURE AND TERMINATING A CIRCULATION PERIOD; MODIFYING BALLOT TITLE PROCEDURES; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. AMENDATORY 34 O.S. 1991, Section 1, is amended to read as follows:

Section 1. The referendum petition shall be substantially as follows:

PETITION FOR REFERENDUM

To the Honorable _____, Governor of Oklahoma (or To the Honorable _____, Mayor, Chairman of County Commissioners, or other chief executive officer, as the case may be, of the city, county or other municipal corporation of _____):

We, the undersigned citizens and legal voters of the State of Oklahoma (or district of _____, County of _____, or city of _____, as the case may be), respectfully order that Senate (or House) Bill No. _____ (or ordinance No. _____), entitled (title of Act, and if the petition is against less than the whole Act, then set forth here the part or parts on which the referendum is sought), passed by the _____ Legislature of the State of Oklahoma, at the regular (or special) session of said legislature, shall be referred to the people of the State (district of _____, county of _____, or city of _____, as the case may be) for their approval or rejection at the regular (or special) election to be held on the _____ day of _____, 19__ , and each for himself says: I have personally signed this petition; I am a legal voter of the State of Oklahoma (and district of _____, county of _____, or city of _____, as the case may be); my residence ~~and~~ or post office are correctly written after my name.

Referendum petitions shall be filed with the Secretary of State not more than ninety days after the final adjournment of the session of the legislature which passed the bill on which the referendum is demanded. (For county, city or other municipality the length of time shall be thirty days.)

The question we herewith submit to our fellow voters is: Shall the following bill of the legislature (or ordinance or resolution--local legislation) be approved? (Insert here an exact copy of the title and text of the measure.)

Name and Address of Proponents (not to exceed three)

Name _____ Residence _____ Post Office

_____ If in city, street and number.

(Here follow ~~forty~~ twenty numbered lines for signatures.)

SECTION 2. AMENDATORY 34 O.S. 1991, Section 2, is amended to read as follows:

Section 2. The form of initiative petition shall be substantially as follows:

INITIATIVE PETITION

To the Honorable _____, Governor of Oklahoma (or To the Honorable _____, Mayor, Chairman of County Commissioners, or other chief executive officers, as the case may be, for the city, county or other municipality): We, the undersigned citizens and legal voters of the State of Oklahoma (and of the district of _____, county of _____, or city of _____, as the case may be), respectfully order that the following proposed law (or amendment to the constitution, ordinance, or amendment to the city charter, as the case may be) shall be submitted to the legal voters of the State of Oklahoma (or of the district of _____, county of _____, or city of _____, as the case may be) for their approval or rejection at the regular general election (or regular or special city election), to be held on the ____ day of _____, 19__, and each for himself says: I have personally signed this petition; I am a legal voter of the State of Oklahoma (and of the district of _____, county of _____, city of _____, as the case may be); my residence ~~and~~ or post office are correctly written after my name. The time for filing this petition expires ninety days from (insert date when petition is to be opened for signatures). (This for State initiative. For county, city, or other municipality the length of time shall be ninety days.) The question we herewith submit to our fellow voters is: Shall the following bill (or proposed amendment to the Constitution or resolution) be

approved? (Insert here an exact copy of the title and text of the measure.)

Name and Address of Proponents (not to exceed three)

Name _____ Residence _____ Post Office
_____ If in the city, street and number.

(Here follow ~~forty~~ twenty numbered lines for signatures.)

SECTION 3. AMENDATORY 34 O.S. 1991, Section 3, is amended to read as follows:

Section 3. Each initiative petition and each referendum petition shall be duplicated for the securing of signatures, and each sheet for signatures shall be attached to a copy of the petition. Each copy of the petition and sheets for signatures is hereinafter termed a pamphlet. On the outer page of each pamphlet shall be printed the word "Warning", and underneath this in ten-point type the words, "It is a felony for anyone to sign an initiative or referendum petition with any name other than his own, or knowingly to sign his name more than once for the measure, or to sign such petition when he is not a legal voter". A simple statement of the gist of the proposition shall be printed on the top margin of each signature sheet. Not more than ~~forty (40)~~ twenty (20) signatures on one sheet on lines provided for the signatures shall be counted. Any signature sheet not in substantial compliance with this ~~section~~ act shall be disqualified by the Secretary of State.

SECTION 4. AMENDATORY 34 O.S. 1991, Section 4, is amended to read as follows:

Section 4. When any such initiative or referendum petition shall be offered for filing, the Secretary of State, in the presence of the person offering the same for filing, shall detach the sheets containing the signatures and affidavits and cause them all to be attached to one or more printed copies of the measure so proposed by initiative or referendum petition. All petitions for the initiative

and referendum and sheets for signatures shall be printed on pages eight and one-half (8 1/2) inches in width by fourteen (14) inches in length, with a margin of one and three-fourths (1 3/4) inches at the top for binding; if the aforesaid sheets shall be too bulky for convenient binding in one volume, they may be bound in two or more volumes, those in each volume to be attached to a single printed copy of such measure; the detached copies of such measures shall be delivered to the person offering the same for filing. Each of the volumes and each signature sheet therein shall be numbered consecutively, and a cover sheet shall be attached, showing the purported number of signature sheets, the series of numbers assigned to the signature sheets and the total number of purported signatures counted per volume. The Secretary of State shall render a signed receipt to the person offering the petition for filing, which receipt shall include a report, volume by volume, showing the number of signature sheets in each volume, the series of numbers assigned to the signature sheets in each volume, and the number of purported signatures in each volume. Duplicate copies of the cover sheets, with necessary corrections, may be used as receipts. If the volume of signatures is sufficiently large, the Secretary of State shall seal the petitions in such manner that they cannot be opened unless the seal is broken, and if requested by those filing said petition, they shall not be opened before 9:00 a.m. on the day following the date said petitions are filed and said procedure shall continue until such time as the Secretary shall be able to receipt the petitions so filed; but additional signature sheets shall not be accepted after 5:00 p.m. on ninetieth day. The Secretary of State shall not provide any copies of signature sheets to anyone requesting them until the sheets have been bound as provided in this section.

Provided, that whenever reference is made in this act to the Secretary of State, such reference shall include the Secretary of

State or any officer constitutionally designated to perform the duties herein prescribed.

SECTION 5. AMENDATORY 34 O.S. 1991, Section 5, is amended to read as follows:

Section 5. If any measure shall, at the ensuing election, be approved by the people, then the copies so preserved, with the sheets of signatures and affidavits, and a certified copy of the Governor's proclamation declaring the same to have been approved by the people, shall be bound together in such form that they may be conveniently identified ~~and preserved~~. The material required to be bound together shall be preserved by the Secretary of State for two (2) years after the final decision of the Supreme Court on any objections or protests filed. If no such objections or protests are filed on a measure, the Secretary of State two (2) years after the measure was filed with the Secretary of State.

B. Thereafter, the Secretary of State may dispose of the material in cooperation with the Archives and Records Commission. The Secretary of State is hereby authorized to dispose of materials from measures which were filed prior to this act in cooperation with the Archives and Records Commission.

C. The Secretary of State shall cause every such measure so approved by the people to be printed with the general laws enacted by the next ensuing session of the Legislature with the date of the Governor's proclamation declaring the same to have been approved by the people.

SECTION 6. AMENDATORY 34 O.S. 1991, Section 6.1, is amended to read as follows:

Section 6.1 A. The Secretary of State shall ~~disqualify all~~ make or cause to be made a physical count of the number of signatures on the petitions. In making such count, the Secretary of State shall not include in such physical count:

1. All signatures on any sheet of any petition which is not verified by the person who circulated ~~said~~ the sheet of ~~said~~ the petition as provided in ~~34 O.S. 1961,~~ Section 6, ~~and the~~ of this title;

2. All signatures of nonresidents;

3. All signatures on a sheet that is not attached to a copy of the petition;

4. All multiple signatures on a printed signature line;

5. Any signatures not on a printed signature line;

6. Those signatures by a person who signs with any name other than his own or signs more than once; and

7. All signatures on any sheet on which a notary has failed to sign, the seal of the notary is absent, the commission of the notary has expired or the expiration date is not on the signature sheet.

B. The Secretary of State shall notify the Attorney General of any and all violations of this title of which he has knowledge.

SECTION 7. AMENDATORY 34 O.S. 1991, Section 8, is amended to read as follows:

Section 8. A. When a citizen or citizens desire to circulate a petition initiating a proposition of any nature, whether to become a statute law or an amendment to the Constitution, or for the purpose of invoking a referendum upon legislative enactments, such citizen or citizens shall, when such petition is prepared, and before the same is circulated or signed by electors, file a true and exact copy of same in the office of the Secretary of State and, within ninety (90) days after such filing of an initiative petition, the signed copies thereof shall be filed with the Secretary of State, but the signed copies of a referendum petition shall be filed with the Secretary of State within ninety (90) days after the adjournment of the Legislature enacting the measure on which the referendum is invoked. The electors shall sign their legally-registered name, their address or post office box, and the name of the county in

which they reside. Any petition not filed in accordance with this provision shall not be considered. The proponents of a referendum or an initiative petition, any time before the final submission of signatures, may withdraw the referendum or initiative petition upon written notification to the Secretary of State.

B. The proponents of a referendum or an initiative petition may terminate the circulation period any time during the ninety-day circulation period by certifying to the Secretary of State that:

1. All signed petitions have already been filed with the Secretary of State;

2. No more petitions are in circulation; and

3. The proponents will not circulate any more petitions.

If the Secretary of State receives such a certification from the proponents, the Secretary of State shall begin the counting process.

C. When the signed copies of a petition are timely filed, the Secretary of State shall certify to the Supreme Court of the state ~~shall make or cause to be made a physical count of the:~~

1. The total number of signatures ~~appearing on the petitions~~ counted pursuant to procedures set forth in this title; and

2. The total number of votes cast for the state office receiving the highest number of votes cast at the last general election. Upon order of the Supreme Court it shall be the duty of the Secretary of State to forthwith cause to be published, in at least one newspaper of general circulation in the state, a notice of such filing and the apparent sufficiency or insufficiency thereof and notice that any citizen or citizens of the state may file a protest to the petition or an objection to the count made by the ~~Supreme Court of the state~~ Secretary of State, by a written notice to the Supreme Court of the state and to the ~~person or persons~~ proponent or proponents filing the petition, said protest to be filed within ten (10) days after publication. In case of the filing of an objection to the count, notice shall also be given to the

party filing a protest, if one was filed. The Supreme Court of the state shall then fix a day, not less than ten (10) days thereafter, at which time it will hear testimony and arguments for and against the sufficiency of such petition. A protest filed by anyone hereunder may, if abandoned by the party filing same, be revived within five (5) days by any other citizen. After such hearing the Supreme Court of the state shall decide whether such petition be in form as required by the statutes. If the Court be at the time adjourned, the Chief Justice shall immediately convene the same for such hearing. No objection to the sufficiency shall be considered unless the same shall have been made and filed as herein provided.

Provided, that whenever reference is made in this act to the Supreme Court of the state, such reference shall include the members of the Supreme Court of the state or any officer constitutionally designated to perform the duties herein prescribed.

SECTION 8. AMENDATORY 34 O.S. 1991, Section 9, is amended to read as follows:

Section 9. A. When a measure is proposed as a constitutional amendment by the Legislature, when the Legislature proposes a statute which is conditioned upon approval by the people, when a referendum is ordered by petition of the people against any measure passed by the Legislature, or when any measure is proposed by initiative petition, whether as an amendment to the Constitution or as a statute, it shall be the duty of the parties submitting the proposition to prepare and file one copy of same with the Secretary of State and one copy with the Attorney General.

B. The parties submitting the proposition shall also submit a suggested ballot title which shall comply with the following requirements:

1. The ballot title shall not exceed one hundred fifty (150) words;

2. The ballot title shall explain in basic words, which can be easily found in dictionaries of general usage, the effect of the proposition;

~~3. The ballot title shall be written on the eighth-grade reading comprehension level;~~

~~4.~~ The ballot title shall not contain any words which have a special meaning for a particular profession or trade not commonly known to the citizens of this state;

~~5.~~ 4. The ballot title shall not reflect partiality in its composition or contain any argument for or against such measure;

~~6.~~ 5. The ballot title shall contain language which clearly states that a "yes" vote is a vote in favor of the proposition and a "no" vote is a vote against the proposition; and

~~7.~~ 6. The ballot title shall not contain language whereby a "yes" vote is, in fact, a vote against the proposition and a "no" vote is, in fact, a vote in favor of the proposition.

C. When a measure is proposed as a constitutional amendment by the Legislature or when the Legislature proposes a statute conditioned upon approval by the people:

1. Before final passage of a measure, the presiding officer of the house of origin shall submit the proposed ballot title to the Attorney General for review as to legal correctness. Within three (3) days after the submission, the Attorney General shall notify the presiding officer whether or not the proposed ballot title is in legal form and in harmony with the law. The notification shall either certify that the ballot title is in harmony with the law or shall contain a written clarification specifying the parts of the ballot title which do not conform and explaining why the provisions are deficient;

2. The official ballot title for the proposal as finally enacted by the Legislature shall fully comply with all of the requirements specified in subsection B of this section; and

3. After receipt of the proposition and the official ballot title, the Secretary of State shall within three (3) days transmit to the Secretary of the State Election Board an attested copy of the pending proposition, including the official ballot title.

D. After receipt of the proposition and suggested ballot title for any referendum ordered by a petition of the people or any measure proposed by an initiative petition:

1. The Secretary of State shall write the official ballot title. The Secretary of State shall make the ballot title conform to the requirements specified in subsection B of this section. The Secretary of State may reject or use all or part of the ballot title which was submitted with the proposition;

~~2. Within ten (10) days, the Secretary of State shall submit the official ballot title to the Superintendent of Public Instruction for certification that the ballot title is on the eighth-grade reading comprehension level. Should the ballot title not meet this requirement, it shall be returned within five (5) days to the Secretary of State for rewriting. This procedure shall be followed until the ballot title is certified by the Superintendent of Public Instruction;~~

~~3.~~ After writing the official ballot title ~~has been certified by the Superintendent of Public Instruction,~~ the Secretary of State shall immediately submit the official ballot title to the Attorney General for review as to legal correctness. Within three (3) days after the filing of such copy and ballot title with the Attorney General, he shall, in writing, notify the Secretary of State whether or not the proposed ballot title is in legal form and in harmony with the law. If the official ballot title is in harmony with the law the Attorney General shall so certify to the Secretary of State. Should such ballot title not be in proper form, in the opinion of the Attorney General, it shall be his duty, within said three (3)

days, to prepare and file a ballot title which does conform to the law; and

~~4.~~ 3. Within ten (10) days after the receipt of the certification of approval by the Attorney General or of a revised or amended ballot title from him, the Secretary of State shall, if no appeal is filed, transmit to the Secretary of the State Election Board an attested copy of the pending proposition, including the official ballot title, and a certification that each procedure required by this section has been complied with. If an appeal is taken from such ballot title within the time specified in Section 10 of this title, then the Secretary of State shall certify to said Secretary of the State Election Board the ballot title which is finally approved by the Supreme Court.

SECTION 9. This act shall become effective September 1, 1992.

43-2-7108

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