

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 685

By: Smith of the Senate

and

Settle of the House

COMMITTEE SUBSTITUTE

An Act relating to the initiative and referendum; amending 34 O.S. 1991, Sections 1 and 2, as amended by Sections 1 and 2, Chapter 92, O.S.L. 1992 (34 O.S. Supp. 1993, Sections 1 and 2), which relate to initiative and referendum petition forms; clarifying language pertaining to persons who sign petitions; amending 34 O.S. 1991, Section 9, as amended by Section 8, Chapter 92, O.S.L. 1992 (34 O.S. Supp. 1993, Section 9), which relates to filing of ballot title with Attorney General; requiring Secretary of State to submit proposed ballot title to Attorney General for review; providing procedure for review of proposed ballot title by Attorney General; requiring Attorney General to prepare and file correct ballot title if proposed ballot title is not in proper form; and declaring an emergency.

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

SECTION 1. AMENDATORY 34 O.S. 1991, Section 1, as amended by Section 1, Chapter 92, O.S.L. 1992 (34 O.S. Supp. 1993, 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 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 twenty numbered lines for signatures.)

SECTION 2. AMENDATORY 34 O.S. 1991, Section 2, as amended by Section 2, Chapter 92, O.S.L. 1992 (34 O.S. Supp. 1993, 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 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 twenty numbered lines for signatures.)

SECTION 3. AMENDATORY 34 O.S. 1991, Section 9, as amended by Section 8, Chapter 92, O.S.L. 1992 (34 O.S. Supp. 1993, Section 9), is amended to read as follows:

Section 9. A. 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~~ measure to prepare

and file one copy of ~~same~~ the measure with the Secretary of State and one copy with the Attorney General.

B. The parties submitting the ~~proposition~~ measure shall also submit a suggested ballot title which shall be filed on a separate sheet of paper and shall not be deemed part of the petition. The suggested ballot title ~~shall comply with the following requirements:~~

1. ~~The ballot title shall~~ Shall not exceed two hundred (200) words;

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

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

6. ~~The ballot title shall~~ 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. ~~The ballot title shall~~ 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~~ After final passage of a measure, the ~~presiding officer of the house of origin~~ Secretary of State shall submit the proposed ballot title to the Attorney General for review as to legal correctness. ~~Within five (5) 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~~ Within five (5) business days, the Attorney General shall, in writing, notify the Secretary of State, the President Pro Tempore of the Senate and the Speaker of the House of Representatives whether or not the proposed ballot title complies with applicable laws. The Attorney General shall state with specificity any and all defects found and, if necessary, within ten (10) business days of determining that the proposed ballot title is defective, prepare and file a ballot title which complies with the law;

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 measure and the official ballot title, as certified by the Attorney General, the Secretary of State shall within five (5) days transmit to the Secretary of the State Election Board an attested copy of the pending proposition measure, including the official ballot title.~~

D. The following procedure shall apply to ballot titles of referendums ordered by a petition of the people or any measure proposed by an initiative petition:

1. After the filing and binding of the petition pamphlets, the Secretary of State shall submit the proposed ballot title to the Attorney General for review as to legal correctness. Within five (5) business days after the filing of ~~such copy~~ the measure 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 proposed 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,~~ complies with applicable laws. The Attorney General shall state with specificity any and all defects found and, if necessary, within ten (10) business days of determining that the proposed ballot title is ~~not in proper form,~~

~~to~~ defective, prepare and file a ballot title which ~~does conform~~
~~to~~ complies with the law; and

2. Within ten (10) business days after ~~the receipt of the~~
~~certification of approval~~ completion of the review 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~~ measure, including the official ballot title,
and a certification that ~~each procedure required by the~~
requirements of this section ~~has~~ have been ~~complied with~~ met. 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~~ the Secretary of the State Election Board
the ballot title which is finally approved by the Supreme Court.

SECTION 4. It being immediately necessary for the
preservation of the public peace, health and safety, an emergency
is hereby declared to exist, by reason whereof this act shall take
effect and be in full force from and after its passage and
approval.

44-2-9315

GH