

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE JOINT  
RESOLUTION NO. 1009

By: Bryant (John)

AS INTRODUCED

A Joint resolution calling a Constitutional Convention to alter, revise, or amend the present constitution of the State of Oklahoma or to propose a new constitution; fixing the time and place thereof; providing for representation to the convention and election of delegates; providing qualifications and duties of delegates; requiring the governor to appoint delegates if vacancies occur; providing for election of officers and organization; providing for compensation of delegates; providing for submission of constitutional changes to the voters of the state; providing for submission of this joint resolution to a vote of the people; and providing a ballot title.

WHEREAS, Section 2 of Article 24 of the Oklahoma Constitution requires that a proposal to hold a Constitutional Convention shall be submitted to a vote of the people at least once every twenty years; and

WHEREAS, the last proposal providing for a Constitutional Convention was submitted to a vote of the people March 17, 1970; and

WHEREAS, it is incumbent upon the Legislature to enact a law providing for a Constitutional Convention and to submit said law to a vote of the people; and

WHEREAS, in accordance with court decisions and Attorney General Opinions, it is necessary that said law provide the organization of the Convention and the procedure to be followed by the Convention and that said law be signed by the Governor.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 1ST SESSION OF THE 44TH OKLAHOMA LEGISLATURE:

SECTION 1. There is hereby called a Constitutional Convention for the purpose of altering, revising, or amending the current constitution, or to propose a new constitution for the State of Oklahoma, to be submitted to the people for their approval or rejection.

SECTION 2. The Constitutional Convention shall convene at twelve o'clock noon, July 10, 1995, in Tulsa at a site obtained by the Office of Public Affairs and sufficient to comfortably house the Convention. The Director of Public Affairs shall notify each delegate to the Constitutional Convention of the location of the Convention.

SECTION 3. A. One delegate to the Constitutional Convention shall be elected from each State House of Representatives district as those districts exist on the effective date of this resolution, and one delegate from each of the counties of the state.

B. No person shall be eligible as a delegate unless he has been a qualified elector of the district he seeks to represent for three years next preceding his election.

C. 1. For the purpose of selecting delegates to the Constitutional Convention, a nonpartisan election shall be held throughout the state on May 23, 1995.

2. The three candidates receiving the most votes in each district shall be elected delegates to the Constitutional Convention.

D. Any person desiring to be a candidate for delegate to the Constitutional Convention shall file not earlier than March 27, 1995, nor later than March 29, 1995, a declaration of candidacy with the State Election Board in the same manner and under the same requirements as that for a candidate for State Senate except no candidate shall indicate a political party affiliation. The

election of delegates to the Constitutional Convention shall be conducted as a nonpartisan election.

E. The State Election Board shall prepare and furnish to the county election board of every county all ballots, certificates and forms necessary for holding the election for delegates to the Constitutional Convention. The general election laws of the State, insofar as it is not inconsistent with this act, shall apply to the election of delegates to the Constitutional Convention.

SECTION 4. Any vacancy in the office of delegate to the Constitutional Convention shall be filled by appointment by the Governor.

SECTION 5. A. The Secretary of State shall call the Constitutional Convention to order, submit a list of elected delegates, and preside until one of the delegates is chosen President of the Constitutional Convention by vote of the Convention.

B. Prior to the selection of a President, the delegates shall take an oath to support the Constitution of the United States and to faithfully discharge their duties as delegates.

C. After choosing a President, the Convention shall organize itself and select such other officers as it deems necessary.

D. A majority of the delegates elected shall constitute a quorum to transact business. A majority of the delegates elected shall be necessary for an election or for the adoption of any measure.

E. The Constitutional Convention shall be the judge of the election and qualifications of its members.

SECTION 6. The delegates to the Constitutional Convention shall receive the same reimbursement for mileage and per diem as given legislators and Twenty-five Dollars (\$25.00) per day for each day that the Constitutional Convention is in session up to a maximum of one hundred eighty (180) days.

SECTION 7. The delegates shall be subject to all rules and regulations promulgated by the Oklahoma Ethics Commission and all state and federal laws to which legislators are subject.

SECTION 8. A. Any alteration, revision, or amendment of the current constitution or new constitution proposed by the Constitutional Convention shall be submitted to the electors of the State for adoption or rejection at a special election to be held on a day to be designated by the Constitutional Convention, said date to be not less than sixty (60) days nor more than one hundred twenty (120) days from the date of the adjournment of the Constitutional Convention.

B. As far as they are applicable and not inconsistent herewith, the general election laws of this state shall be applicable to the special election provided for in this section.

SECTION 9. This resolution shall be submitted to the electors by the State Election Board for their approval or rejection at the next general election.

SECTION 10. The Ballot Title for the proposed question to be put before the people as provided herein shall be in the following form:

BALLOT TITLE

Legislative Referendum No. \_\_\_\_\_

State Question No. \_\_\_\_\_

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure calls a state Constitutional Convention. It would begin on July 10, 1995. The purpose would be to alter, amend, or revise the current constitution. The Convention could propose a new constitution. One delegate to the Convention will be chosen by the people from each House of Representative district, and one from each county of the state. They will be chosen in a nonpartisan election. Delegates will be paid for mileage, meals, and lodging. They also will get Twenty-five Dollars per day that the convention meets. Payment is limited

to no more than one hundred eighty days. Any change in the constitution or new constitution must be presented for approval to state voters between sixty and one hundred twenty days after the convention adjourns.

SHALL THIS ACT BE APPROVED BY THE PEOPLE?

   / YES, FOR THE ACT

   / NO, AGAINST THE ACT

44-1-5398

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