

ENGROSSED SENATE AMENDMENT  
TO  
ENGROSSED HOUSE BILL NO. 1032

By: Cox of the House

and

Leftwich of the Senate

An Act relating to initiative and referendum;  
enacting the Ban the Bounty for the Initiative and  
Referendum Process Act of 1995; defining term; \* \*  
\* amending 34 O.S. 1991, Section 3.1, which relates  
to circulation of petitions; modifying entities  
subject to certain requirement for circulation of  
petitions; \* \* \* providing for codification;  
providing for noncodification; and declaring an  
emergency.

AMENDMENT NO. 1. Page 1, strike the title, enacting clause and  
entire bill and insert

"[ initiative and referendum - amending sections in Title 34  
O.S. - petitions - penalty - duties - procedures -  
publication - appeals - ballot titles - repealing 34 O.S.  
1991, Section 6 - codification ]

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

SECTION 1. AMENDATORY 34 O.S. 1991, Section 1, as last  
amended by Section 1, Chapter 147, O.S.L. 1994 (34 O.S. Supp. 1994,  
Section 1), is amended to read as follows:

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

PETITION FOR REFERENDUM

To the Honorable \_\_\_\_\_, ~~(or To the Honorable \_\_\_\_\_,~~ (Governor of Oklahoma ~~or~~ 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 legal voters of the State of Oklahoma ~~(or~~ and 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 the Legislature~~ or other applicable legislative body), 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 address as shown on my voter's registration are correctly written after my name.

Referendum petitions shall be filed with the (Secretary of State or other applicable official) 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~~ municipal corporation 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 \_\_\_\_\_ or Post Office Address  
\_\_\_\_\_ ~~If in city, street and number~~  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_.

(Here follow twenty numbered lines for signatures.)

SECTION 2. AMENDATORY 34 O.S. 1991, Section 2, as last amended by Section 2, Chapter 147, O.S.L. 1994 (34 O.S. Supp. 1994, 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~~ municipal  
corporation): We, the undersigned 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 address as shown on my voter's registration are correctly written after my name. The time for filing this petition expires ninety days from (For state initiative: insert date when petition is to be opened for signatures).—(~~This for State initiative.~~ For county, city, or other ~~municipality~~ municipal corporation 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 \_\_\_\_\_ or Post Office  
Address \_\_\_\_\_ ~~If in the city, street and number~~  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_.

(Here follow twenty numbered lines for signatures.)

SECTION 3. AMENDATORY 34 O.S. 1991, Section 3, as amended by Section 3, Chapter 92, O.S.L. 1992 (34 O.S. Supp. 1994, Section 3), is amended to read as follows:

Section 3. A. 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~~ misdemeanor for anyone to sign an initiative or referendum petition with any name other than his or her own, or knowingly to sign his or her name more than once for the measure, or to sign such petition when he or she is not a legal voter". ~~A simple statement of the gist~~ The proposed ballot title of the proposition shall be printed on the top margin of each signature sheet. Not more than twenty (20) signatures on one sheet on lines provided for the signatures shall be counted. Any

signature sheet not in substantial compliance with this act shall be disqualified by the Secretary of State.

B. Each signature sheet shall be prepared as prescribed by this section. The front side of the form shall be substantially as follows:

SIGNATURES

The gist of the proposition is as follows:

[INSERT PROPOSED BALLOT TITLE OF PROPOSITION]

Address as Shown on Voter's

Registration

<u>Signature of Legal Voter</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>	<u>County</u>
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<u>1.</u>	_____	_____	_____	_____	_____
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\_\_\_\_\_

<u>2.</u>	_____	_____	_____	_____	_____
-----------	-------	-------	-------	-------	-------

\_\_\_\_\_

<u>3.</u>	_____	_____	_____	_____	_____
-----------	-------	-------	-------	-------	-------

\_\_\_\_\_

<u>4.</u>	_____	_____	_____	_____	_____
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\_\_\_\_\_

<u>5.</u>	_____	_____	_____	_____	_____
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\_\_\_\_\_

<u>6.</u>	_____	_____	_____	_____	_____
-----------	-------	-------	-------	-------	-------

\_\_\_\_\_

<u>7.</u>	_____	_____	_____	_____	_____
-----------	-------	-------	-------	-------	-------

\_\_\_\_\_

<u>8.</u>	_____	_____	_____	_____	_____
-----------	-------	-------	-------	-------	-------

\_\_\_\_\_

<u>9.</u>	_____	_____	_____	_____	_____
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\_\_\_\_\_

<u>10.</u>	_____	_____	_____	_____	_____
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\_\_\_\_\_

11. \_\_\_\_\_  
 \_\_\_\_\_

12. \_\_\_\_\_  
 \_\_\_\_\_

13. \_\_\_\_\_  
 \_\_\_\_\_

14. \_\_\_\_\_  
 \_\_\_\_\_

15. \_\_\_\_\_  
 \_\_\_\_\_

16. \_\_\_\_\_  
 \_\_\_\_\_

17. \_\_\_\_\_  
 \_\_\_\_\_

18. \_\_\_\_\_  
 \_\_\_\_\_

19. \_\_\_\_\_  
 \_\_\_\_\_

20. \_\_\_\_\_  
 \_\_\_\_\_

INSTRUCTIONS FOR CIRCULATORS: Circulators must be legal voters in Oklahoma and must personally witness all signatures. ALL PETITION SIGNERS MUST BE LEGAL VOTERS IN OKLAHOMA. After each signer signs, turn this sheet over and print the name only in the corresponding number space provided. When no further signatures will be obtained, fill out the circulator's affidavit on the back of this sheet in the presence of a notary public.

RETURN THIS PETITION TO: [INSERT NAME AND ADDRESS]

C. The reverse side of the form shall be substantially as follows:

AFFIDAVIT

STATE OF OKLAHOMA            )  
 \_\_\_\_\_



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City

Zip Code

My Commission Expires:

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Date

SEAL

D. As used in this title, "legal voter" means a natural person who is at the time of signing an initiative or referendum petition or at the time of circulating an initiative or referendum petition a qualified elector as defined by Section 1 of Article III of the Oklahoma Constitution and who is lawfully registered to vote in this state.

SECTION 4. AMENDATORY 34 O.S. 1991, Section 3.1, is amended to read as follows:

Section 3.1 It shall be unlawful for any person other than a ~~qualified elector~~ legal voter of ~~the State of Oklahoma~~ this state to circulate any initiative or referendum petition to amend, ~~add to,~~ ~~delete, strike or otherwise change in any way~~ the Constitution or laws of ~~the State of Oklahoma~~ this state, or of any subdivision of ~~the State of Oklahoma~~ this state. Every person convicted of a violation of this section shall be ~~punished~~ guilty of a misdemeanor punishable by a fine of not to exceed One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for not to exceed one (1) year, or by both ~~said~~ fine and imprisonment.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3.2 of Title 34, unless there is created a duplication in numbering, reads as follows:

A. As used in this section, "person" means any individual, firm, partnership, corporation, limited liability company, trust, estate, or any other legal entity or combination of natural persons, combination of legal entities or combination of both natural persons and legal entities.

B. It shall be unlawful for any person to pay or to be paid any form of compensation or remuneration for the circulation of an initiative or referendum petition if the compensation or remuneration is based upon or in any way related to the number of signatures obtained, the number of pages containing signatures, the number of completed pamphlets or any other system of payment which depends upon the numerical or procedural adequacy of an initiative or referendum petition. It shall not be unlawful for such compensation to be based upon an hourly, daily, or similar rate of pay or based upon a flat or one-time rate of pay. Any person who makes payment to any other person of any form of compensation or remuneration prohibited by this section or any person who receives any form of compensation or remuneration prohibited by this section, upon conviction, shall be guilty of a misdemeanor punishable by a fine not to exceed One Thousand Dollars (\$1,000.00) for each payment or by imprisonment in the county jail for a period not to exceed one (1) year or by both fine and imprisonment.

SECTION 6. AMENDATORY 34 O.S. 1991, Section 4, as amended by Section 4, Chapter 92, O.S.L. 1992 (34 O.S. Supp. 1994, Section 4), is amended to read as follows:

Section 4. A. When any ~~such~~ initiative or referendum petition shall be offered for filing, the Secretary of State or local official, in the presence of the person offering the ~~same~~ petition 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~~.

B. 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 and~~ each volume ~~to~~ shall be attached to a single printed copy of ~~such the~~ measure; the detached copies of ~~such the~~ measures shall be delivered to the person offering the same for filing. Each ~~of the volumes and~~ ~~each~~ signature sheet ~~therein~~ and each volume of signature sheets shall be numbered consecutively, ~~and~~. Each volume shall contain 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 signatures counted per volume.

C. The Secretary of State or local official 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 or local official shall seal the petitions in ~~such a manner that in which~~ they cannot be opened unless the seal is broken, and, if requested by those filing ~~said the~~ petition, ~~they~~ shall not be opened before 9:00 a.m. on the day following the date ~~said the~~ petitions are filed and ~~said this~~ procedure shall continue until such time as the Secretary of State or local official shall be able to give receipt for the petitions ~~so~~ filed; but additional signature sheets shall not be accepted after 5:00 p.m. on ninetieth day. The Secretary of State or local official shall not provide any copies of signature sheets to anyone 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 7. AMENDATORY 34 O.S. 1991, Section 5, as amended by Section 5, Chapter 92, O.S.L. 1992 (34 O.S. Supp. 1994, Section 5), is amended to read as follows:

Section 5. A. If any measure ~~shall, at the ensuing election, be~~ is 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, and any other material designated by the Secretary of State or local official~~ shall be bound together in such form that they may be conveniently identified. The material required to be bound together shall be preserved by the Secretary of State or local official for two (2) years after the measure was filed with the Secretary of State or local official or, if objections or protests are filed on a measure, for two (2) years after the final decision of the Supreme Court on any objections or protests filed. Thereafter, the Secretary of State or local official may dispose of the material in cooperation with the Archives and Records Commission.

B. The Secretary of State or local official may 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 or local official 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 8. AMENDATORY 34 O.S. 1991, Section 6.1, as amended by Section 6, Chapter 92, O.S.L. 1992 (34 O.S. Supp. 1994, Section 6.1), is amended to read as follows:

Section 6.1 A. The Secretary of State or local official shall make or cause to be made a physical count of the number of signatures on the petitions. In making ~~such~~ the count, the

Secretary of State or local official shall not include in ~~such~~ the physical count:

1. All signatures on any sheet of any petition which is not verified by the person who circulated the sheet of the petition as provided in Section ~~6~~ 3 of this ~~title~~ act;

2. All signatures of nonresidents;

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

4. All multiple signatures on any printed signature line;

5. All signatures not on a printed signature line;

6. ~~These~~ All 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 of the notary's commission is not on the signature sheet.

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

SECTION 9. AMENDATORY 34 O.S. 1991, Section 7, is amended to read as follows:

Section 7. Each order for a direct ballot by the voters ~~that is filed with the Secretary of State~~ by initiative petition, referendum petition, and by the Legislature or local legislative body shall be numbered consecutively by the Secretary of State or local official, each in a series by itself, beginning with one, to be continued year after year, without duplication of numbers.

SECTION 10. AMENDATORY 34 O.S. 1991, Section 8, as amended by Section 7, Chapter 92, O.S.L. 1992 (34 O.S. Supp. 1994, Section 8), is amended to read as follows:

Section 8. A. When ~~a citizen or~~ one or more citizens desire to circulate a petition initiating a proposition of any nature, whether

to become or amend a statute law ~~or~~, to become an amendment to the Constitution, to become or amend an ordinance or for the purpose of invoking a referendum upon legislative enactments, ~~such~~ the citizen or citizens shall, when ~~such~~ the petition is prepared, and before ~~the same~~ it is circulated or signed by ~~electors~~ legal voters, file a true and exact copy ~~of same~~ in the office of the Secretary of State ~~and, within~~ or local official.

B. 1. 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~~ or local official.

2. 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.

3. Other petitions shall be filed with the local official within the time prescribed by law.

C. The ~~electors~~ legal voters shall sign their legally-registered name, their address ~~or post office box~~ as shown on their voter's registration, and the name of the county in which they reside.

D. Any petition not filed in accordance with this ~~provision~~ section shall not be considered.

E. 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 or local official.

~~B.~~ F. 1. 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 or local official that:

~~1. All~~ a. all signed petitions have already been filed with ~~the Secretary of State;~~ l

- ~~2. No~~ b. no more petitions are in circulation~~;~~ and  
~~3. The~~ c. the proponents will not circulate any more  
petitions.

~~If the Secretary of State receives such~~ 2. Upon receipt of a  
certification pursuant to paragraph 1 of this subsection from the  
proponents, the Secretary of State or local official shall begin the  
counting process.

~~C. When the signed copies of a petition are timely filed, the~~

G. The Secretary of State or local official shall certify ~~to~~  
~~the Supreme Court of the state:~~

1. The total number of signatures 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 or other applicable election result.

~~The Supreme Court shall make the determination of the numerical  
sufficiency or insufficiency of the signatures counted by the  
Secretary of State.~~

~~Upon order of the Supreme Court it shall be the duty of the~~

H. The Secretary of State ~~to~~ or local official shall forthwith  
cause to be published, in at least one newspaper of general  
circulation in the state or locality, a notice of ~~such~~ the 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 Secretary of~~  
~~State~~, by a written notice to the ~~Supreme Court of the state and~~  
Secretary of State or local official, to the proponent or proponents  
filing the petition, ~~said protest to~~ and to each person who has  
filed a protest or objection. All protests and objections shall be  
filed within ten (10) days after publication. ~~A copy of the protest~~  
~~or objection to the count shall be filed with the Secretary of~~  
~~State.~~ In case of the filing of an objection to the count, notice

~~shall also be given to the Secretary of State and the party filing a protest, if one was filed.~~

~~D. The Secretary of State shall deliver the bound volumes of signatures to the Supreme Court.~~

~~E. I. 1. Upon the filing of an objection to the count, the Supreme Court the Secretary of State or local official shall resolve the objection with dispatch. ~~The Supreme Court shall adopt rules to govern proceedings to apply to the challenge of a measure on the grounds that the proponents failed to gather sufficient signatures.~~~~

~~F. 2. In order to make the determination of the numerical sufficiency or insufficiency of the signatures, a sample of signatures shall be identified using a random method.~~

~~a. For state questions, the sample analyzed shall contain the greater of two thousand five hundred (2,500) signatures or a number of signatures equivalent to two and one-half percent (2 1/2%) of the total number of signatures certified by the Secretary of State.~~

~~b. For local questions, the sample shall contain the greater of five hundred (500) signatures or a number of signatures equivalent to two and one-half percent (2 1/2%) of the total number of signatures certified by the local official.~~

~~3. If the result reveals that less than ninety-seven percent (97%) of the total number of signatures which are required for the question to be placed on the ballot are legal voters, the petition shall be declared insufficient. If the result reveals ninety-seven percent (97%) or more of the total number of signatures which are required for the question to be placed on the ballot are legal voters, the petition shall be placed on the ballot.~~

~~J. Upon the filing of a protest or objection to the petition, the ~~Supreme Court of the state~~ Secretary of State or local official shall then fix a day and time, not less than ten (10) days~~

thereafter, at which ~~time~~ it will hear testimony and arguments for and against the sufficiency of ~~such~~ the petition.

~~G. A protest filed by anyone hereunder may, if~~ K. If a protest or objection is abandoned by the party filing same, it may be revived within five (5) days by any other citizen. After ~~such~~ the hearing, the ~~Supreme Court of the state~~ Secretary of State or local official shall decide whether ~~such~~ the petition ~~be~~ is in the form ~~as~~ required by ~~the statutes~~ law. If ~~the Court be at the time~~ adjourned, the Chief Justice shall immediately convene the same for such hearing. No protest or objection to the sufficiency shall be considered unless ~~the same shall have been~~ made and filed as herein provided.

~~H. If in the opinion of the Supreme Court, any objection to the count or protest to the petition is frivolous, the Court may impose appropriate sanctions, including an award of costs and attorneys fees to either party as the court deems equitable.~~

~~I. 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.~~

L. 1. Appeals of a determination of the Secretary of State shall be made to the Supreme Court of Oklahoma.

2. Appeals of a determination by a local official shall be made as otherwise provided by law.

M. The Secretary of State shall adopt rules in the manner prescribed by the Administrative Procedures Act to carry out the provisions of this title. When adopted, the rules of the Secretary of State shall be binding on local officials.

SECTION 11. AMENDATORY 34 O.S. 1991, Section 9, as last amended by Section 3, Chapter 147, O.S.L. 1994 (34 O.S. Supp. 1994, 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 measure to prepare and file one copy of the measure with the Secretary of State or local official and, for state questions, one copy with the Attorney General.

B. The parties submitting the 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:

1. Shall not exceed two hundred (200) words;
2. Shall explain in basic words, which can be easily found in dictionaries of general usage, the effect of the proposition;
3. Shall be written on the eighth-grade reading comprehension level;
4. 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. Shall not reflect partiality in its composition or contain any argument for or against the measure;
6. 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. 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. After final passage of a measure, 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, 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. After receipt of the 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 measure, including the official ballot title.

D. The following procedure shall apply to ballot titles of state 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 the measure and ballot title, the Attorney General shall, in writing, notify the Secretary of State 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; and

2. Within ten (10) business days after completion of the review by the Attorney General, the Secretary of State shall, if no appeal is filed, transmit to the Secretary of the State Election Board an attested copy of the measure, including the official ballot title,

and a certification that the requirements of this section have been 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 the Secretary of the State Election Board the ballot title which is finally approved by the Supreme Court.

SECTION 12. AMENDATORY 34 O.S. 1991, Section 10, is amended to read as follows:

Section 10. A. Any person who is dissatisfied with the wording of a ballot title for a state question may, within ten (10) days after the same is filed by the Attorney General with the Secretary of State as provided for in Section 9 of this title, ~~appeal to the Supreme Court by petition in which shall be offered~~ offer a substitute ballot title for the one from which the appeal is taken. The Secretary of State shall determine which ballot title will be used. An appeal of this determination may be made pursuant to the Administrative Procedures Act. Upon the hearing of such appeal, the court may correct or amend the ballot title before the court, or accept the substitute suggested, or may draft a new one which will conform to the provisions of Section 9 of this title.

B. No such appeal shall be allowed as to the ballot title of constitutional and legislative enactments proposed by the Legislature.

SECTION 13. AMENDATORY 34 O.S. 1991, Section 11, is amended to read as follows:

Section 11. Notice of the ~~appeal~~ request to substitute a ballot title provided for in the preceding section shall be served upon the Attorney General and upon the party who filed ~~such~~ the ballot title, ~~or~~ and on any ~~of such~~ other parties, at least five (5) days before ~~such appeal is heard by the court~~ hearing. The Attorney General shall, and any citizen interested may, defend the ballot title from which the appeal is taken. ~~Other procedure upon such appeals shall~~

~~be the same as is prescribed for appeals from petitions filed as set forth in Section 8 of this title.~~

SECTION 14. AMENDATORY 34 O.S. 1991, Section 12, is amended to read as follows:

Section 12. When the ballot title for a state question has been decided upon, the Secretary of State shall, in writing, notify the Governor, who forthwith shall issue a proclamation setting forth the substance of the measure and the date on which the vote will be held.

SECTION 15. AMENDATORY 34 O.S. 1991, Section 18, is amended to read as follows:

Section 18. In the event any official of this state shall fail or neglect to prepare or have published ~~the argument and other matter as provided~~ any notice required by law, or to perform any other duty required in connection ~~therewith~~ with an initiative or referendum petition, any ~~elector~~ legal voter may petition the district court, ~~without cost to him, where any such~~ having jurisdiction of the officer ~~has his official residence, without cost,~~ for a writ of mandamus to require ~~such~~ the officer to perform such duty, ~~and the district courts of this state are hereby given jurisdiction to issue writs of mandamus and require performance of such duty as provided by law.~~

SECTION 16. AMENDATORY 34 O.S. 1991, Section 19, is amended to read as follows:

Section 19. The failure to prepare and have published ~~the argument and other matter as provided~~ any notice required by law shall not invalidate the election held on any initiative or referendum or Constitutional amendment proposed by the Legislature, and no election on any such measure shall be declared or held invalid on the grounds that such publication was not ~~so prepared or~~ published.

SECTION 17. AMENDATORY 34 O.S. 1991, Section 22, is amended to read as follows:

Section 22. Whenever any measure or proposition is submitted to a vote by the initiative or referendum, it shall be the duty of the precinct election board of the precinct to make and transmit to the county election board the returns thereof in the same manner that they make their returns in the case of an election of public officers, transmitting to such county election board a certificate of the total number of ~~electors~~ legal voters voting in such elections; and the county election board shall keep a record showing such total number of votes cast in each of such precincts as shown by such returns. Should the proposition be one covering the state at large, or any district therein, or be of such other nature as to require it the county election board shall certify the result of such election to the State Election Board in the same manner as it certifies the result of election for public officers, and such county election board shall transmit to the State Election Board a certificate showing the total number of votes cast at any such election. It shall be the duty of the State Election Board to keep a record of all such election returns made to it under the provisions of this section.

SECTION 18. AMENDATORY 34 O.S. 1991, Section 23, is amended to read as follows:

Section 23. Every person who is a ~~qualified elector~~ legal voter of the State of Oklahoma may sign a petition for the referendum or for the initiative for any measure upon which he or she is legally entitled to vote. ~~Any~~ Except as otherwise provided, any person signing any name other than his or her own to any petition, or knowingly signing his or her name more than once for the same measure at one election, or who is not at the time of signing the same a legal voter of this state, or whoever falsely makes or willfully destroys a petition or any part thereof, or who signs or

files any certificate or petition knowing the same or any part thereof to be falsely made, or suppresses any certificate or petition or any part thereof which has been duly filed or who shall violate any provision of this ~~statute~~ title, or who shall aid or abet any other person in doing any of ~~said these~~ acts, ~~and any person violating any provision of this chapter,~~ shall be guilty of a felony and upon conviction ~~thereof~~ be punished by a fine of not exceeding ~~Five Hundred Dollars (\$500.00)~~ One Thousand Dollars (\$1,000.00) or by imprisonment in the State Penitentiary not exceeding two (2) years, or by both ~~such~~ fine and imprisonment ~~in the discretion of the court before which such conviction shall be had.~~

SECTION 19. AMENDATORY 34 O.S. 1991, Section 24, is amended to read as follows:

Section 24. A. The procedure ~~herein~~ prescribed by Section 1 et seq. of this title is not mandatory, but if substantially followed will be sufficient. If the end aimed at can be attained and procedure shall be sustained, clerical and mere technical errors shall be disregarded.

B. The provisions of this section shall not be applicable to the requirements imposed for statistical analysis of the number of valid signatures as provided by subsection E of Section 8 of this title and if the sample of signatures analyzed reveals an insufficient number of valid signatures as required by law, such determination shall be conclusive.

SECTION 20. REPEALER 34 O.S. 1991, Section 6, is hereby repealed."

Passed the Senate the 12th day of April, 1995.

President of the Senate

Passed the House of Representatives the \_\_\_\_ day of

\_\_\_\_\_, 1995.

Speaker of the House of  
Representatives