STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

HOUSE JOINT
RESOLUTION HJR1028 By: Smaligo

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; 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; providing a ballot title; and directing filing.

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, a State Question to eliminate the requirement that a Constitutional Convention proposal be submitted to the people every twenty years was defeated at the General Election held November 8, 1994; 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 49TH 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 11, 2005, in Oklahoma City at the State Capitol.

SECTION 3. Each member of the House of Representatives and each member of the Senate shall serve as delegates to the Constitutional Convention.

SECTION 4. A. The Secretary of State shall call the Constitutional Convention to order 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.

SECTION 5. The delegates to the Constitutional Convention shall receive the same reimbursement for mileage and per diem as they receive as legislators for the time that the Constitutional Convention is in session up to a maximum of one hundred eighty (180) days.

SECTION 6. 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 7. 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 in the General Election held in 2006.

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

SECTION 9. 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 11, 2005. It would review the State Constitution. It could alter, amend, or revise the constitution. It could propose a new State Constitution. The members of the State Legislature would be the delegates. Delegates would be paid for travel expenses for each day that the convention meets. Payment is limited. Delegates can be paid for no more than one hundred eighty days. Any change in the constitution or new constitution must be presented for approval to state voters. This would happen at the General Election in 2006.

SHALL THIS ACT BE APPROVED BY THE PEOPLE?

☐ YES, FOR THE ACT

☐ NO, AGAINST THE ACT

SECTION 10. The Chief Clerk of the House of Representatives, immediately after the passage of this resolution, shall prepare and file one copy thereof, including the Ballot Title set forth in

SECTION 9 hereof, with the Secretary of State and one copy with the Attorney General.

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