

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SUBCOMMITTEE RECOMMENDATION  
4 FOR

5 HOUSE BILL NO. 2869

6 By: Shelton

7 SUBCOMMITTEE RECOMMENDATION

8 An Act relating to initiative and referendum;  
9 amending 34 O.S. 2001, Sections 3, 3.1, 6 and 10,  
10 which relate to imitative and referendum process;  
11 providing requirements for signature sheet; modifying  
12 qualifications for circulation of petition;  
13 prohibiting payment to petition circulators based on  
14 signatures; modifying verification of signatures;  
15 modifying appeals process; and declaring an  
16 emergency.

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

18 SECTION 1. AMENDATORY 34 O.S. 2001, Section 3, is  
19 amended to read as follows:

20 Section 3. Each initiative petition and each referendum  
21 petition shall be duplicated for the securing of signatures, and  
22 each sheet for signatures shall be attached to a copy of the  
23 petition. The signature sheet shall contain a warning at the top of  
24 the page that advises the signer that he or she is signing a legal  
document. The signature sheet shall also provide blanks for the  
following information of the signer:

- 1        1. Printed name;
- 2        2. Signature;
- 3        3. Address;
- 4        4. State;
- 5        5. County; and
- 6        6. Last four digits of the Social Security Number, or voter
- 7 registration number.

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

20        SECTION 2.        AMENDATORY        34 O.S. 2001, Section 3.1, is  
21 amended to read as follows:

22        Section 3.1 A. It shall be unlawful for any person other than  
23 a ~~qualified elector~~ registered voter of the State of Oklahoma to  
24 circulate any initiative or referendum petition to amend, add to,

1 delete, strike or otherwise change in any way the Constitution or  
2 laws of the State of Oklahoma, or of any subdivision of the State of  
3 Oklahoma. Every petition circulator shall register with the  
4 Secretary of State on forms prescribed by the Secretary of State,  
5 and shall provide a valid photograph identification to the Secretary  
6 of State. The Secretary of State shall maintain a registry of all  
7 petition circulators. Any signatures obtained by a petition  
8 circulator determined to be unregistered while circulating a  
9 petition shall not be counted in the total count. Every person  
10 convicted of a violation of this section shall be punished by a fine  
11 of not to exceed ~~One Thousand Dollars (\$1,000.00)~~ Five Thousand  
12 Dollars (\$5,000.00), or by imprisonment in the county jail for not  
13 to exceed one (1) year, or by both said fine and imprisonment.

14 B. It shall be unlawful to pay or receive money or other thing  
15 of value based on the number of signatures obtained on an initiative  
16 or referendum petition. Nothing in this subsection prohibits  
17 payment for signature gathering which is not based, either directly  
18 or indirectly, on the number of signatures obtained.

19 SECTION 3. AMENDATORY 34 O.S. 2001, Section 6, is  
20 amended to read as follows:

21 Section 6. Each sheet of every such petition containing  
22 signatures shall be verified on the back thereof, in substantially  
23 the following form, by the person who circulated said sheet of said  
24 petition, by his or her affidavit thereon and as a part thereof.

1 State of Oklahoma, )  
2 ) ss.  
3 County of \_\_\_\_\_ )

4 I, \_\_\_\_\_, being first duly sworn, say: That I am a ~~qualified~~  
5 ~~elector~~ registered voter of the State of Oklahoma and that (Here  
6 shall be legibly written or typewritten the names of the signers of  
7 the sheet), signed this sheet of the foregoing petition, and each of  
8 them signed his name thereto in my presence; I believe that each has  
9 stated his name, post office address, and residence correctly, and  
10 that each signer is a legal voter of the State of Oklahoma and  
11 county of \_\_\_\_\_ or of the city of \_\_\_\_\_ (as the case may be).

12 (Signature and post office address of affiant.)

13 Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ A.D.  
14 ~~19~~ 20\_\_\_\_\_.

15 (Signature and title of the officer before whom oath is made,  
16 and his post office address.)

17 SECTION 4. AMENDATORY 34 O.S. 2001, Section 10, is  
18 amended to read as follows:

19 Section 10. A. Any person who is dissatisfied with the wording  
20 of a ballot title may, within ~~ten (10)~~ thirty (30) days after the  
21 same is filed by the Attorney General with the Secretary of State as  
22 provided for in Section 9 of this title, appeal to the Supreme Court  
23 by petition in which shall be offered a substitute ballot title for  
24 the one from which the appeal is taken. Upon the hearing of such

1 appeal, the court may correct or amend the ballot title before the  
2 court, or accept the substitute suggested, or may draft a new one  
3 which will conform to the provisions of Section 9 of this title.

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

7 SECTION 3. It being immediately necessary for the preservation  
8 of the public peace, health and safety, an emergency is hereby  
9 declared to exist, by reason whereof this act shall take effect and  
10 be in full force from and after its passage and approval.

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12 51-2-10219 LRB 02/20/08

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