

THE HOUSE OF REPRESENTATIVES  
Thursday, March 6, 2008

Committee Substitute for  
House Bill No. 3350

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 3350 - By: TERRILL of the House.

An Act relating to initiative and referendum; amending 34 O.S. 2001, Sections 1, 2, 3, 3.1, 4, 6, 6.1, 8, 9, as amended by Section 2, Chapter 407, O.S.L. 2005, 10 and 11 (34 O.S. Supp. 2007, Section 9), which relate to initiatives and referendums; modifying referendum petition form; modifying initiative petition form; modifying signature and circulation requirements; providing requirements for petition circulators; providing for protected rights of petition circulators; providing for violations; modifying filing requirements of petition; providing for certificate of circulator; allowing certain persons to withdraw signature; requiring approval before circulation of petition; providing for gist statement; modifying dates for filing; modifying appeal of ballot title; modifying procedure upon appeal; providing for codification; and providing an effective date.

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

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

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

4 PETITION FOR REFERENDUM

5 To the Honorable \_\_\_\_\_, Governor of Oklahoma (or To the Honorable

6 \_\_\_\_\_, Mayor, Chairman of County Commissioners, or other chief executive

7 officer, as the case may be, of the city, county or other municipal corporation of

8 \_\_\_\_\_):

1 We, the undersigned legal voters of the State of Oklahoma (or district of \_\_\_\_\_,  
2 county of \_\_\_\_\_, or city of \_\_\_\_\_, as the case may be), respectfully order  
3 that Senate (or House) Bill No. \_\_\_\_\_ (or ordinance No. \_\_\_\_\_), entitled (title  
4 of Act, and if the petition is against less than the whole Act, then set forth here the part  
5 or parts on which the referendum is sought), passed by the \_\_\_\_\_ Legislature of  
6 the State of Oklahoma, at the regular (or special) session of said legislature, shall be  
7 referred to the people of the State (district of \_\_\_\_\_, county of \_\_\_\_\_, or city  
8 of \_\_\_\_\_, as the case may be) for their approval or rejection at the regular (or  
9 special) election to be held on the \_\_\_\_\_ day of \_\_\_\_\_, ~~19~~20, and each for  
10 himself says: I have personally signed this petition; I am a legal voter of the State of  
11 Oklahoma (and district of \_\_\_\_\_, county of \_\_\_\_\_, or city of \_\_\_\_\_, as  
12 the case may be); my residence or post office are correctly written after my name.

13 Referendum petitions shall be filed with the Secretary of State not more than  
14 ninety days after the final adjournment of the session of the legislature which passed the  
15 bill on which the referendum is demanded. (For county, city or other municipality the  
16 length of time shall be thirty days.)

17 The question we herewith submit to our fellow voters is: Shall the following bill of  
18 the legislature (or ordinance or resolution--local legislation) be approved? (Insert here an  
19 exact copy of the title and text of the measure.)

20 Name and Address of Proponents (not to exceed three)

21 Name \_\_\_\_\_ Residence \_\_\_\_\_ Post Office \_\_\_\_\_ If in city, street  
22 and number.

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

1 (Here follow twenty or fewer numbered lines for signatures.)

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

4 Section 2. The form of initiative petition shall be substantially as follows:

5 INITIATIVE PETITION

6 To the Honorable \_\_\_\_\_, Governor of Oklahoma (or To the Honorable  
7 \_\_\_\_\_, Mayor, Chairman of County Commissioners, or other chief executive  
8 officers, as the case may be, for the city, county or other municipality): We, the  
9 undersigned legal voters of the State of Oklahoma (and of the district of \_\_\_\_\_,  
10 county of \_\_\_\_\_, or city of \_\_\_\_\_, as the case may be), respectfully  
11 order that the following proposed law (or amendment to the constitution, ordinance, or  
12 amendment to the city charter, as the case may be) shall be submitted to the legal voters  
13 of the State of Oklahoma (or of the district of \_\_\_\_\_, county of \_\_\_\_\_,  
14 or city of \_\_\_\_\_, as the case may be) for their approval or rejection at the  
15 regular general election (or regular or special city election), to be held on the \_\_\_\_ day of  
16 \_\_\_\_\_, ~~19 20~~, and each for himself says: I have personally signed this petition; I  
17 am a legal voter of the State of Oklahoma (and of the district of \_\_\_\_\_, county of  
18 \_\_\_\_\_, city of \_\_\_\_\_, as the case may be); my residence or post  
19 office are correctly written after my name. The time for filing this petition expires ~~ninety~~  
20 ~~days~~ one year from (insert date when petition is to be opened for signatures). (This for  
21 State initiative. For county, city, or other municipality the length of time shall be ninety  
22 days.) The question we herewith submit to our fellow voters is: Shall the following bill

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

1 (or proposed amendment to the Constitution or resolution) be approved? (Insert here an  
2 exact copy of the title and text of the measure.)

3 Name and Address of Proponents (not to exceed three)

4 Name \_\_\_\_\_ Residence \_\_\_\_\_ Post Office \_\_\_\_\_ If in the city,  
5 street and number.

6 (Here follow twenty or fewer numbered lines for signatures.)

7 SECTION 3. AMENDATORY 34 O.S. 2001, Section 3, is amended to read as  
8 follows:

9 Section 3. Each initiative petition and each referendum petition shall be duplicated  
10 for the securing of signatures, and each sheet for signatures shall be attached to a copy of  
11 the petition. Each copy of the petition and sheets for signatures is hereinafter termed a  
12 pamphlet. On the outer page of each pamphlet and on each signature sheet shall be  
13 printed the word "Warning", and underneath this in ten-point type the words, "It is a  
14 felony for anyone to sign an initiative or referendum petition with any name other than  
15 his or her own, or knowingly to sign his or her name more than once for the measure, to  
16 interfere with the lawful circulation of petitions, or to sign such petition when he or she  
17 is not a legal voter". A simple statement of the gist of the proposition shall be printed on  
18 the top margin of each signature sheet. Not more than twenty (20) signatures on one  
19 sheet on lines provided for the signatures shall be counted. Any signature sheet not in  
20 substantial compliance with this act shall be disqualified by the Secretary of State.

21 SECTION 4. AMENDATORY 34 O.S. 2001, Section 3.1, is amended to read as  
22 follows:

1           Section 3.1 It shall be unlawful for any person other than a ~~qualified elector of~~  
2 person registered to vote in the State of Oklahoma, or a person registered to circulate  
3 ~~any an~~ initiative or referendum petition in Oklahoma to amend, add to, delete, strike or  
4 otherwise change in any way the Constitution or laws of the State of Oklahoma, or of any  
5 subdivision of the State of Oklahoma. Every person convicted of a violation of this  
6 section shall be punished by a fine of not to exceed One Thousand Dollars (\$1,000.00), or  
7 by imprisonment in the county jail for not to exceed one (1) year, or by both said fine and  
8 imprisonment. To be registered to circulate an initiative or referendum petition in  
9 Oklahoma a person must be eighteen (18) years of age and a U.S. Citizen who shall file  
10 in writing, by sworn affidavit, the following information to the Ethics Commission office  
11 before final filing of signed petitions with the Secretary of State:

- 12           1. Name of petitioner;
- 13           2. Name of circulator;
- 14           3. Residential address, including street number, city, state and ZIP code;
- 15           4. Mailing address, if different;
- 16           5. Have you been or do you expect to be paid for soliciting signatures for this  
17 petition? [ ] YES [ ] NO;
- 18           6. If the answer to paragraph 5 is yes, then identify the expected payor; and
- 19           7. Verified signature of circulator.

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

1           The right of citizens to engage in orderly circulation of petitions shall be protected  
2 and not infringed. This includes:

3           1. Assaulting or intimidating any person with intent to deter that person from  
4 signing or circulating a petition;

5           2. Touching, damaging, or stealing any petition or promotional piece in the custody  
6 of a circulator without the consent of the circulator;

7           3. Yelling, shouting, using a bullhorn or amplifier, cursing, using obscene gestures,  
8 or engaging in other outrageous conduct with the intent to deter a person from signing or  
9 circulating a petition;

10          4. Interrupting the communication between a circulator engaged in conversation  
11 with a potential signer after that person is within five (5) feet of a signer, including  
12 coming within arm's length of either person until the conversation has ended, with the  
13 intent to deter a person from signing or circulating a petition;

14          5. Interfering with business relationships with intent to deter a person from  
15 signing or circulating a petition;

16          6. Making false claims that a circulator is attempting to engage in identity theft or  
17 other criminal activity with intent to deter a person from signing or circulating a  
18 petition;

19          7. Restricting the movement or actions of any person with intent to deter that  
20 person from signing or circulating a petition;

1           8. Placing one's body or other obstruction in the path between a circulator and any  
2 person within fifty (50) feet of a circulator with intent to deter that person from signing  
3 or circulating a petition;

4           9. Making false statements to any person with respect to any circulator or signer,  
5 or otherwise making any threat of assault, defamation, or business interruption, to any  
6 person having authority to eject a petitioner from a location with intent to have a  
7 circulator ejected or interfere with the circulation of the petition; and

8           10. Unlawfully threatening arrest or detention of any person lawfully engaged in  
9 circulation of a petition.

10           Every person convicted of a violation of this section shall be punished by a fine not  
11 to exceed One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail not to  
12 exceed one (1) year, or by both said fine and imprisonment. Every person who violates  
13 this section, or pays or directly incites any person to engage in violation of this section is  
14 responsible for statutory damages to the circulator in the amount of Five Hundred  
15 Dollars (\$500.00) for each violation.

16           SECTION 6. AMENDATORY   34 O.S. 2001, Section 4, is amended to read as  
17 follows:

18           Section 4. When any such initiative or referendum petition shall be offered for  
19 filing, the Secretary of State, in the presence of the person offering the same for filing,  
20 shall detach the sheets containing the signatures and affidavits and cause them all to be  
21 attached to one or more printed copies of the measure so proposed by initiative or  
22 referendum petition. All petitions for the initiative and referendum and sheets for

1 signatures may be single-sided and stapled and shall be printed on pages eight and  
2 one-half (8 1/2) inches in width by fourteen (14) inches in length, or eight and one-half (8  
3 1/2) inches in width by eleven (11) inches in length with a margin of one and  
4 three-fourths (1 3/4) inches at the top for binding; if the aforesaid sheets shall be too  
5 bulky for convenient binding in one volume, they may be bound in two or more volumes,  
6 those in each volume to be attached to a single printed copy of such measure; the  
7 detached copies of such measures shall be delivered to the person offering the same for  
8 filing. Each of the volumes and each signature sheet therein shall be numbered  
9 consecutively, and a cover sheet shall be attached, showing the purported number of  
10 signature sheets, the series of numbers assigned to the signature sheets and the total  
11 number of signatures counted per volume. The Secretary of State shall render a signed  
12 receipt to the person offering the petition for filing, which receipt shall include a report,  
13 volume by volume, showing the number of signature sheets in each volume, the series of  
14 numbers assigned to the signature sheets in each volume, and the number of purported  
15 signatures in each volume. Duplicate copies of the cover sheets, with necessary  
16 corrections, may be used as receipts. If the volume of signatures is sufficiently large, the  
17 Secretary of State shall seal the petitions in such manner that they cannot be opened  
18 unless the seal is broken, and if requested by those filing said petition, they shall not be  
19 opened before 9:00 a.m. on the day following the date said petitions are filed and said  
20 procedure shall continue until such time as the Secretary shall be able to receipt the  
21 petitions so filed; but additional signature sheets shall not be accepted after 5:00 p.m. on





- 1           1. All signatures on any sheet of any petition which is not verified by the person  
2 who circulated the sheet of the petition as provided in Section 6 of this title;
- 3           2. All signatures of nonresidents;
- 4           3. All signatures on a sheet that is not attached to a copy of the petition;
- 5           4. All multiple signatures on any printed signature line;
- 6           5. All signatures not on a printed signature line;
- 7           6. Those signatures by a person who signs with any name other than his own or  
8 signs more than once; ~~and~~
- 9           7. All signatures on any sheet on which a notary has failed to sign, the seal of the  
10 notary is absent, the commission of the notary has expired or the expiration date is not  
11 on the signature sheet; and
- 12           8. The signature of any person who has withdrawn their signature from a petition  
13 appearing in person at the office of the Secretary of State and filing a request to  
14 withdraw signature by sworn affidavit including the following information before 5:00  
15 p.m. on the final day for filing petitions with the Secretary of State:
- 16           a.     name of petition,
- 17           b.     name of signer,
- 18           c.     residential address, including street number, city, state and ZIP code,
- 19           d.     mailing address, if different,
- 20           e.     have you been or do you expect to be paid for withdrawing your  
21 signature for this petition? [ ] YES [ ] NO,

- 1           f.     if the answer to subparagraph e is yes, then identify the expected  
2                     payor, and  
3           g.     verified signature of circulator.

4           The Secretary of State shall not suggest or give legal advice with respect to  
5 withdrawal of signatures.

6           B. The Secretary of State shall notify the Attorney General of any and all violations  
7 of this title of which ~~he~~ the Secretary of State has knowledge.

8           SECTION 9.    AMENDATORY    34 O.S. 2001, Section 8, is amended to read as  
9 follows:

10          Section 8. A. When a citizen or citizens desire to circulate a petition initiating a  
11 proposition of any nature, whether to become a statute law or an amendment to the  
12 Constitution, or for the purpose of invoking a referendum upon legislative enactments,  
13 such citizen or citizens shall, when such petition pamphlet is prepared, and before the  
14 same is circulated or signed by ~~electors~~ voters, file for approval a true and exact copy of  
15 same in the office of the Secretary of State and, within ~~ninety (90) days~~ one (1) year after  
16 ~~such filing of an initiative petition is approved to be circulated and signed by qualified~~  
17 registered voters according to this act, the signed copies thereof shall be filed with the  
18 Secretary of State, but the signed copies of a referendum petition shall be filed with the  
19 Secretary of State within ninety (90) days after the adjournment of the Legislature  
20 enacting the measure on which the referendum is invoked. A referendum petition shall  
21 be filed, but need not be approved before it may be circulated and signed by voters

1 according to this act. The ~~electors~~ voters shall sign their legally-registered name, their  
2 address or post office box, and the name of the county in which they reside.

3 Proponents shall make final submission of signatures at least four (4) months  
4 before the election at which the measure shall be voted.

5 Any petition not filed in accordance with this provision shall not be considered. The  
6 proponents of a referendum or an initiative petition, any time before the final submission  
7 of signatures, may withdraw the referendum or initiative petition upon written  
8 notification to the Secretary of State.

9 B. The proponents of a referendum or an initiative petition may terminate the  
10 circulation period any time during the ninety-day circulation period by certifying to the  
11 Secretary of State that:

- 12 1. All signed petitions have already been filed with the Secretary of State;
- 13 2. No more petitions are in circulation; and
- 14 3. The proponents will not circulate any more petitions.

15 If the Secretary of State receives such a certification from the proponents, the Secretary  
16 of State shall begin the counting process.

17 C. When the signed copies of a petition are timely filed, the Secretary of State shall  
18 certify to the Supreme Court of the state:

- 19 1. The total number of signatures counted pursuant to procedures set forth in this  
20 title; and
- 21 2. The total number of votes cast for the state office receiving the highest number of  
22 votes cast at the last general election.

1 The Supreme Court shall make the determination of the numerical sufficiency or  
2 insufficiency of the signatures counted by the Secretary of State. If the signatures are  
3 not determined to be insufficient before the second Tuesday in September of the year  
4 when the signatures are filed, the question shall be placed on the ballot.

5 Upon order of the Supreme Court it shall be the duty of the Secretary of State to  
6 forthwith cause to be published, in at least one newspaper of general circulation in the  
7 state, a notice of such filing and the apparent sufficiency or insufficiency thereof and  
8 notice that any citizen or citizens of the state may file a protest to the petition or an  
9 objection to the count made by the Secretary of State, by a written notice to the Supreme  
10 Court of the state and to the proponent or proponents filing the petition, said protest to  
11 be filed within ten (10) days after publication. A copy of the protest or objection to the  
12 count shall be filed with the Secretary of State. In case of the filing of an objection to the  
13 count, notice shall also be given to the Secretary of State and the party filing a protest, if  
14 one was filed.

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

17 E. Upon the filing of an objection to the count, the Supreme Court shall resolve the  
18 objection with dispatch. The Supreme Court shall adopt rules to govern proceedings to  
19 apply to the challenge of a measure on the grounds that the proponents failed to gather  
20 sufficient signatures.

1 F. Upon the filing of a protest to the petition, the Supreme Court of the state shall  
2 then fix a day, not less than ten (10) days thereafter, at which time it will hear testimony  
3 and arguments for and against the sufficiency of such petition.

4 G. A protest filed by anyone hereunder may, if abandoned by the party filing same,  
5 be revived within five (5) days by any other citizen. After such hearing the Supreme  
6 Court of the state shall decide whether such petition ~~be in form as required by the~~  
7 ~~statutes~~ proponents failed to gather sufficient signatures. If the Court be at the time  
8 adjourned, the Chief Justice shall immediately convene the same for such hearing. No  
9 objection to the sufficiency shall be considered unless the same shall have been made and  
10 filed as herein provided.

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

14 I. Whenever reference is made in this act to the Supreme Court of the state, such  
15 reference shall include the members of the Supreme Court of the state or any officer  
16 constitutionally designated to perform the duties herein prescribed.

17 SECTION 10. AMENDATORY 34 O.S. 2001, Section 9, as amended by Section  
18 2, Chapter 407, O.S.L. 2005 (34 O.S. Supp. 2007, Section 9), is amended to read as  
19 follows:

20 Section 9. A. When a referendum is ordered by petition of the people against any  
21 measure passed by the Legislature or when any measure is proposed by initiative  
22 petition is filed for approval for circulation and signing by voters, whether as an

1 amendment to the Constitution or as a statute, it shall be the duty of the parties  
2 submitting the measure to prepare and file one copy of the measure with the Secretary of  
3 State and one copy with the Attorney General.

4 B. The parties submitting the measure shall also submit a suggested ballot title  
5 which shall be filed on a separate sheet of paper and shall not be deemed part of the  
6 petition and in the case of a proposed initiative shall file a proposed petition and a gist  
7 statement. The suggested ballot title and gist statement:

8 1. Shall not exceed two hundred (200) words and the gist statement shall not  
9 exceed one hundred (100) words;

10 2. Shall explain in basic words, which can be easily found in dictionaries of general  
11 usage, the effect of the proposition;

12 3. Shall be written on the eighth-grade reading comprehension level;

13 4. Shall not contain any words which have a special meaning for a particular  
14 profession or trade not commonly known to the citizens of this state;

15 5. Shall not reflect partiality in its composition or contain any argument for or  
16 against the measure;

17 6. Shall contain language which clearly designates the statute or constitutional  
18 provision to be amended or proposed and states that a "yes" vote is a vote in favor of the  
19 proposition and a "no" vote is a vote against the proposition, which shall not count  
20 against the word limitation; and

21 7. Shall not contain language whereby a "yes" vote is, in fact, a vote against the  
22 proposition and a "no" vote is, in fact, a vote in favor of the proposition.

1 C. When a measure is proposed as a constitutional amendment by the Legislature  
2 or when the Legislature proposes a statute conditioned upon approval by the people:

3 1. After final passage of a measure, the Secretary of State shall submit the  
4 proposed ballot title to the Attorney General for review as to legal correctness. Within  
5 five (5) business days, the Attorney General shall, in writing, notify the Secretary of  
6 State, the President Pro Tempore of the Senate and the Speaker of the House of  
7 Representatives whether or not the proposed ballot title complies with applicable laws.  
8 The Attorney General shall state with specificity any and all defects found and, if  
9 necessary, within ten (10) business days of determining that the proposed ballot title is  
10 defective, prepare a preliminary ballot title which complies with the law and furnish a  
11 copy of such ballot title to the Secretary of State, the President Pro Tempore of the  
12 Senate and the Speaker of the House of Representatives. The Attorney General may  
13 consider any comments made by the President Pro Tempore of the Senate or the Speaker  
14 of the House of Representatives and shall file a final ballot title with the Secretary of  
15 State no sooner than ten (10) business days and no later than fifteen (15) business days  
16 after furnishing the preliminary ballot title.

17 2. After receipt of the measure and the official ballot title, as certified by the  
18 Attorney General, the Secretary of State shall within five (5) days transmit to the  
19 Secretary of the State Election Board an attested copy of the measure, including the  
20 official ballot title.

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

1           1. After the filing ~~and binding~~ of the petition pamphlets, proposed ballot title, and  
2 gist statement for approval for circulation and signing by voters, the Secretary of State  
3 shall submit the proposed ballot title to the Attorney General for review as to legal  
4 correctness. Within ~~five (5)~~ fifteen (15) business days after the filing of the measure and  
5 ballot title, the Attorney General shall, in writing, notify the Secretary of State whether  
6 or not the proposed ballot title complies with applicable laws. The Attorney General  
7 shall state with specificity any and all defects found ~~and, if necessary,~~ or issue the  
8 determination of compliance, within ~~ten (10)~~ two (2) business days of determining that  
9 the proposed ballot title ~~is defective,~~ or gist statement is in compliance with all legal  
10 requirements relating to initiatives, and shall notify the proponent of the determination  
11 of all such defects or be estopped to later deny the legal correctness thereof, and provide  
12 the proponent an opportunity to prepare and file a corrected ballot title which complies  
13 with the law; and if the proponent does file a corrected ballot title, petition pamphlet, or  
14 gist statement, or if the proponent files a written statement that the proponent will not  
15 make a requested change, then the Attorney General shall, within two (2) days of receipt,  
16 notify the Secretary of State in writing that the review is complete, and the Secretary of  
17 State shall immediately approve or deny approval of the proposed ballot title, language,  
18 petition pamphlet, or gist statement and publish notification of completion of the review  
19 by the Attorney General and all documents related to the filing on the official Secretary  
20 of State web site.

21           2. Within ten (10) business days after notification to the proponent and the  
22 Secretary of State makes publication of approval or denial, and of completion of the

1 review by the Attorney General, the Secretary of State shall, if no appeal is filed,  
2 immediately approve the ballot title, petition pamphlet and gist statement for circulation  
3 and signing by voters, transmit to the Secretary of the State Election Board an attested  
4 copy of the measure, including the official ballot title, and a certification that the  
5 requirements of this section have been met. If an appeal is taken from such ballot title  
6 within the time specified in Section 10 of this title, then the Secretary of State shall  
7 certify to the Secretary of the State Election Board the ballot title which is finally  
8 approved by the Supreme Court. If no appeal is timely filed, then the ballot title, petition  
9 pamphlet and gist statement shall not be subject to challenge on the grounds that the  
10 petition pamphlet, language, proposed ballot title, or gist statement is not in compliance  
11 with all legal requirements relating to initiatives.

12 SECTION 11. AMENDATORY 34 O.S. 2001, Section 10, is amended to read as  
13 follows:

14 Section 10. A. Any person who is dissatisfied with the wording of a ballot title may,  
15 within ten (10) days after notification to the same is filed proponent and the date the  
16 Secretary of State makes publication of completion of the review by the Attorney General  
17 ~~with the Secretary of State~~ as provided for in Section 9 of this title, appeal to the  
18 Supreme Court by petition challenging the legal sufficiency of the petition pamphlet,  
19 language, ballot title, or the gist statement in which shall be offered a substitute ballot  
20 title, petition pamphlet, or gist statement for the one from which the appeal is taken.  
21 Upon the hearing of such appeal, which shall be commenced within ten (10) days of the  
22 appeal, the court may correct or amend the ballot title, petition pamphlet, or gist

1 statement before the court, or accept the substitute suggested, or may draft a new one  
2 which will conform to the provisions of Section 9 of this title. Unless a final  
3 determination of insufficiency is made within thirty-five (35) days of the appeal, the  
4 filing shall be deemed approved and then the ballot title, language, petition pamphlet  
5 and gist statement shall not be subject to challenge on the grounds that the petition  
6 pamphlet, language, proposed ballot title, or gist statement is not in compliance with all  
7 legal requirements relating to initiatives. If a final determination of insufficiency is  
8 timely made, it shall state specifically the grounds and specific suggested corrections.  
9 The proponent may elect to modify and submit to the court a modified ballot title,  
10 language, petition pamphlet, or gist statement and offer same for approval by the court  
11 within ten (10) days of a determination of insufficiency. The court shall give notice to all  
12 parties to the appeal and shall commence a hearing within ten (10) days of submission  
13 and consider the proposed corrections.

14 Unless a final determination of insufficiency is made within thirty-five (35) days of  
15 the resubmission, the filing shall be deemed approved and then the ballot title, language,  
16 petition pamphlet and gist statement shall not be subject to challenge on the grounds  
17 that the petition pamphlet, language, proposed ballot title, or gist statement is not in  
18 compliance with all legal requirements relating to initiatives. If a final determination of  
19 insufficiency is timely made, the proponent may continue to make resubmissions to the  
20 court according to the procedure above, or may make a new original filing, but in no case  
21 shall the proponent circulate petitions until they are deemed approved.

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

3 SECTION 12. AMENDATORY 34 O.S. 2001, Section 11, is amended to read as  
4 follows:

5 Section 11. Notice of the appeal provided for in the preceding section shall be  
6 served upon the Attorney General and upon the party who filed such ballot title, or on  
7 any of such parties, at least five (5) days before such appeal is heard by the court. The  
8 Attorney General shall, and any citizen interested may, defend the ballot title from  
9 which the appeal is taken. Other procedure upon such appeals shall be the same as is  
10 prescribed for appeals from petitions filed as set forth in Section 8 of this title. When the  
11 legal sufficiency of the petition pamphlet, gist statement, and ballot title has been  
12 decided upon, the Secretary of State shall, in writing, notify the proponent that the  
13 petition pamphlet and gist statement have been approved.

14 SECTION 13. This act shall become effective November 1, 2008.

15 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 03-05-08 - DO PASS, As  
16 Amended.