

## BILL SUMMARY

**MEASURE:**           **HB3350** (Committee Substitute)

**AUTHOR:**           Representative Terrill

**SUBJECT:**           An Act relating to initiative and referendum; duties of officials; clarifying language; effective date.

**PROVISIONS:**     Section 1. AMENDATORY           Form for referendum petition: allowing 20 or fewer numbered lines for signatures on a referendum petition.

Section 2. AMENDATORY           Form for initiative petition: Updating language. Changing time for filing an initiative petition from 90 days to 1 year. Allowing 20 or fewer numbered lines for signatures on an initiative petition.

Section 3. AMENDATORY           Adding provision that the “Warning” language shall be on each pamphlet and signature sheet, the language outlining that it is a felony to sign if not a registered voter. Clarifying language.

Section 4. AMENDATORY           Clarifying language from qualified elector to a person registered to vote, adding language regarding a person registered to circulate a petition in Oklahoma. Outlining that a person to be registered to circulate a petition in Oklahoma must be 18 years of age, a U.S. Citizen, who shall file a sworn affidavit to the Ethics Commission before final filing of signed petitions with the Secretary of State, including the following information:

1. Name of petition;
2. Name of circulator;
3. Residential address, with street number, city, state and zip code;
4. Mailing address, if different;
5. Denoting if the person expects to be paid for soliciting signatures;
6. If answering yes on #5, identifying expected payor; and
7. Verified signature of circulator.

Section 5. NEW LAW                Stating that the right of citizens to engage in orderly circulation of petitions shall be protected. Including:

1. Assaulting or intimidating any person with intent to keep someone from signing or circulating a petition;
2. Touching, damaging, or stealing any petition or promotional piece in the custody of a circulator without the circulator’s consent;

3. Yelling, shouting, using a bullhorn, cursing, using obscene gestures, or engaging in other conduct with intent to keep a person from signing a petition;
4. Interrupting the communication between a circulator and a potential signer after circulator is within 5 feet of signer, including coming within arm's length of either person until conversation has ended, with intent to keep person from signing petition.
5. Interfering with business relationship with intent to keep person from signing or circulating a petition.
6. Making false claims that circulator is attempting to engage in identity theft or other crime with;
7. Restricting the actions of any person with intent to keep someone from signing or circulating a petition;
8. Placing one's body or other obstruction in the path between a circulator and any person within 50 feet of a circulator;
9. Making false statements to any person with respect to any circulator or signer, or making any threat of assault or defamation, to any person having authority to eject a petitioner from a location with intent to have circulator ejected or interfere with circulation of the petition; and
10. Unlawfully threatening arrest or detention of any person lawfully engaged in circulation of a petition.

Every person convicted of a violation of this section shall be punished by a fine not exceeding \$1,000, or by imprisonment in county jail not exceeding 1 year, or both fine and imprisonment. Every person who violates this section, or pays or directly incites any person to violate this section is responsible for statutory damages to the circulator \$500 for each violation.

Section 6. AMENDATORY Adding provision petitions and signatures sheets may be single-sided and stapled on legal or letter-sized paper.

Section 7. AMENDATORY Deleting current form for petition circulator affidavits. Adding that a registered voter may sign and circulate the same petition. Outlining that each sheet of every petition containing signatures shall contain a certificate of circulator signed and executed by that person after the last signature on a sheet has been obtained.

The statement of the circulator shall be in the following form, signed and dated by the person who circulated the sheet of the petition:

#### CERTIFICATE OF CIRCULATOR

I, \_\_\_\_\_, the circulator of this petition, assert that I am qualified to circulate this petition, that each signature was signed in my presence; and that, to my best knowledge, each signature is the genuine signature of the person signing the petition, the person signing the petition was at the time of signing a registered voter in Oklahoma, and the voter was qualified to sign the petition.

No person shall make a false statement on a certificate of circulator. Every person convicted of a violation of this section shall be punished by a fine not exceeding \$1,000, or by imprisonment in county jail not exceeding 1 year, or both fine and imprisonment.

Clarifying language.

Section 8. AMENDATORY Adding that in counting the number of signatures on petitions, the Secretary of State shall not include: the signature of any person who has withdrawn their signature from a petition appearing in person at the office of the Secretary of State and filing a request to withdraw signature by sworn affidavit including the following information before 5 p.m. on the final day for filing petitions with the SOS:

- a. name of petition,
- b. name of signer,
- c. residential address, including street number, city, state and zip code,
- d. mailing address, if different,
- e. noting if the person expects to be paid for withdrawing his/her signature,
- f. if answered yes on “e”, identifying expected payor, and
- g. verified signature of circulator.

Clarifying reference.

Section 9. AMENDATORY A. Clarifying language. Changing time for filing an initiative petition from 90 days to 1 year, and clarifying time to within 1 year after an initiative petition is approved to be circulated and signed by registered voters. Adding provision that a referendum petition shall be filed, but need not be approved before it may be circulated and signed by voters. Clarifying reference from electors to voters.

Adding provision that proponents shall make final submission of signatures at least 4 months before the election at which the measure shall be voted.

C. Adding provision that if signatures are not determined to be insufficient before the 2nd Tuesday in September of the year when the signatures are filed, the question shall be placed on the ballot.

G. Changing provision that Supreme Court determines if proponents failed to gather sufficient signatures, rather than petition being in the form as required by statutes.

Section 10. AMENDATORY      A. Clarifying language.

B. Adding provision that a proposed initiative petition shall file a proposed petition and gist statement:

1. Outlining that the gist statement shall not exceed 100 words;
6. Adding that the language clearly designates the statute or constitutional provision to be amended or proposed, this shall not count against the word limit;

D. 1. Adding language for provision of gist statement. Lengthening time from 5 to 15 business days for the Attorney General to notify the SOS whether or not the proposed ballot title complies with applicable laws. Shortening time Attorney General shall submit a statement of defect found from 10 to 2 business days. Adding that the Attorney General shall notify the proponent of the determination of defects, allowing the proponent to file a corrected ballot title, petition pamphlet or gist statement, or if the proponent files a written statement that the proponent will not make request change, the Attorney General shall within 2 days of receipt, notify the Secretary of State in writing that the review is complete, and that the SOS shall immediately approve or deny the proposed language and publish notification of review by Attorney General and all documents related to filing on the official Secretary of State website.

2. Adding language denoting notification change to include proponent and the Secretary of State making publication of approval or denial, and that if no appeal is filed the Secretary of State shall immediately approve the ballot title, petition pamphlet and gist statement for circulation and signing by voters. Also adding that if no appeal is timely filed, then all items shall not be subject to challenge on the grounds that they are not in compliance with all legal requirements relating to initiatives.

Section 11. AMENDATORY      A. Adding language denoting notification change to include proponent and the Secretary of State making publication of approval or denial. Outlining that appeal to the Supreme Court must be challenging the legal sufficiency of the petition pamphlet, language, ballot title, or the gist statement in which shall be offered a substitute item. Adding that a hearing of such appeal shall begin within 10 days of the appeal and that the court may correct or amend any of the

items. Also, adding that unless a final determination of insufficiency is made within 35 days of the appeal, the filing shall be approved and not subject to challenge that any of the required items are not in compliance with all legal requirements relating to initiatives. If a final determination of insufficiency is timely made, it shall state specifically the grounds and specific suggested corrections. The proponent may elect to modify and submit to the court any modified document and offer same for approval by the court within 10 days of a determination of insufficiency. The court shall give notice to all parties to the appeal and shall commence a hearing within 10 days of submission of modified copy and consider the proposed corrections.

Unless a final determination of insufficiency is made within 35 days of the resubmission, the filing shall be approved and the ballot title, language, petition pamphlet and gist statement shall not be subject to challenge that any of those listed are not in compliance with all legal requirements relating to initiatives. If a final determination of insufficiency is timely made, the proponent may continue to make resubmissions to the court according to the procedure above, or may make a new original filing, but in no case shall the proponent circulate petitions until they are deemed approved.

Section 12. AMENDATORY Adding provision that when the legal sufficiency of the required documents has been decided, the Secretary of State shall, in writing, notify the proponent that the items have been approved.

**EFFECTIVE**

**DATE:** November 1, 2008

**PREPARED BY:** Arnella Karges

**DATE:** February 18, 2008