

1 ENGROSSED SENATE
2 BILL NO. 2008

By: Coffee and Jolley of the
Senate

3 and

4 Benge of the House
5
6

7 An Act relating to initiative and referendum;
8 amending 34 O.S. 2001, Section 9, as last amended by
9 Section 2, Chapter 318, O.S.L. 2009 (34 O.S. Supp.
10 2009, Section 9), which relates to ballot titles;
11 providing alternative procedure for submission of
12 ballot titles to and certification by Attorney
13 General; requiring Attorney General to consider
14 certain comments; and providing an effective date.

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

16 SECTION 1. AMENDATORY 34 O.S. 2001, Section 9, as last
17 amended by Section 2, Chapter 318, O.S.L. 2009 (34 O.S. Supp. 2009,
18 Section 9), is amended to read as follows:

19 Section 9. A. When a referendum is ordered by petition of the
20 people against any measure passed by the Legislature or when any
21 measure is proposed by initiative petition, whether as an amendment
22 to the Constitution or as a statute, it shall be the duty of the
23 parties submitting the measure to prepare and file one copy of the
24 measure with the Secretary of State and one copy with the Attorney
General.

1 B. The parties submitting the measure shall also submit a
2 suggested ballot title which shall be filed on a separate sheet of
3 paper and shall not be deemed part of the petition. The suggested
4 ballot title:

5 1. Shall not exceed two hundred (200) words;

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

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

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

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

15 6. Shall contain language which clearly states that a "yes"
16 vote is a vote in favor of the proposition and a "no" vote is a vote
17 against the proposition; and

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

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

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1 1. ~~After~~ Unless the procedure specified in paragraph 2 of this
2 subsection is followed, after final passage of a measure, the
3 Secretary of State shall submit the proposed ballot title to the
4 Attorney General for review as to legal correctness. Within five
5 (5) business days, the Attorney General shall, in writing, notify
6 the Secretary of State, the President Pro Tempore of the Senate and
7 the Speaker of the House of Representatives whether or not the
8 proposed ballot title complies with applicable laws. The Attorney
9 General shall state with specificity any and all defects found and,
10 if necessary, within ten (10) business days of determining that the
11 proposed ballot title is defective, prepare a preliminary ballot
12 title which complies with the law and furnish a copy of such ballot
13 title to the Secretary of State, the President Pro Tempore of the
14 Senate and the Speaker of the House of Representatives. The
15 Attorney General ~~may~~ shall consider any comments made by the
16 President Pro Tempore of the Senate or the Speaker of the House of
17 Representatives and shall file a final ballot title with the
18 Secretary of State no sooner than ten (10) business days and no
19 later than fifteen (15) business days after furnishing the
20 preliminary ballot title; ~~and~~

21 2. The President Pro Tempore of the Senate, for measures
22 originating in the Senate, or the Speaker of the House of
23 Representatives, for measures originating in the House of
24 Representatives, may submit a proposed ballot title to the Attorney

1 General for review as to legal correctness not later than fifteen
2 (15) business days prior to final passage of a measure. Within five
3 (5) business days, the Attorney General shall, in writing, notify
4 the President Pro Tempore of the Senate or the Speaker of the House
5 of Representatives whether or not the proposed ballot title complies
6 with applicable laws. The Attorney General shall state with
7 specificity any and all defects found and shall, upon request of the
8 President Pro Tempore of the Senate or the Speaker of the House of
9 Representatives, and within five (5) business days of such request,
10 prepare a substitute ballot title which complies with the law and
11 furnish a copy of such ballot title to the President Pro Tempore of
12 the Senate or the Speaker of the House of Representatives. In lieu
13 of such request, the President Pro Tempore of the Senate or the
14 Speaker of the House of Representatives may revise the proposed
15 ballot title to correct such defects and resubmit the revised ballot
16 title to the Attorney General. If the Attorney General determines
17 that the proposed ballot title complies with applicable laws, he or
18 she shall certify the ballot title in writing to the President Pro
19 Tempore of the Senate or the Speaker of the House of
20 Representatives, who shall cause the certified ballot title to be
21 attached to the measure prior to final passage; and

22 3. After receipt of the measure and the official ballot title,
23 as certified by the Attorney General, the Secretary of State shall
24 within five (5) days transmit to the Secretary of the State Election

1 Board an attested copy of the measure, including the official ballot
2 title.

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

6 1. After the filing of the petition and prior to the gathering
7 of signatures thereon, the Secretary of State shall submit the
8 proposed ballot title to the Attorney General for review as to legal
9 correctness. Within five (5) business days after the filing of the
10 measure and ballot title, the Attorney General shall, in writing,
11 notify the Secretary of State whether or not the proposed ballot
12 title complies with applicable laws. The Attorney General shall
13 state with specificity any and all defects found and, if necessary,
14 within ten (10) business days of determining that the proposed
15 ballot title is defective, prepare and file a ballot title which
16 complies with the law; and

17 2. Within ten (10) business days after completion of the review
18 by the Attorney General, the Secretary of State shall, if no appeal
19 is filed, transmit to the Secretary of the State Election Board an
20 attested copy of the measure, including the official ballot title,
21 and a certification that the requirements of this section have been
22 met. If an appeal is taken from such ballot title within the time
23 specified in Section 10 of this title, then the Secretary of State
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1 shall certify to the Secretary of the State Election Board the
2 ballot title which is finally approved by the Supreme Court.

3 SECTION 2. This act shall become effective January 1, 2011.

4 Passed the Senate the 8th day of March, 2010.

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Presiding Officer of the Senate

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8 Passed the House of Representatives the ____ day of _____,
9 2010.

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Presiding Officer of the House
of Representatives

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