

THE HOUSE OF REPRESENTATIVES
Thursday, April 8, 2010

ENGROSSED
Senate Bill No. 2008

ENGROSSED SENATE BILL NO. 2008 - By: COFFEE AND JOLLEY of the Senate and BENGGE of the House.

An Act relating to initiative and referendum; amending 34 O.S. 2001, Section 9, as last amended by Section 2, Chapter 318, O.S.L. 2009 (34 O.S. Supp. 2009, Section 9), which relates to ballot titles; providing alternative procedure for submission of ballot titles to and certification by Attorney General; requiring Attorney General to consider certain comments; 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 9, as last amended by
2 Section 2, Chapter 318, O.S.L. 2009 (34 O.S. Supp. 2009, Section 9), is amended to read
3 as follows:
4 Section 9. A. When a referendum is ordered by petition of the people against any
5 measure passed by the Legislature or when any measure is proposed by initiative
6 petition, whether as an amendment to the Constitution or as a statute, it shall be the
7 duty of the parties submitting the measure to prepare and file one copy of the measure
8 with the Secretary of State and one copy with the Attorney General.

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

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

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

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

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

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

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

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

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

18 1. ~~After~~ Unless the procedure specified in paragraph 2 of this subsection is
19 followed, after final passage of a measure, the Secretary of State shall submit the
20 proposed ballot title to the Attorney General for review as to legal correctness. Within
21 five (5) business days, the Attorney General shall, in writing, notify the Secretary of
22 State, the President Pro Tempore of the Senate and the Speaker of the House of

1 Representatives whether or not the proposed ballot title complies with applicable laws.
2 The Attorney General shall state with specificity any and all defects found and, if
3 necessary, within ten (10) business days of determining that the proposed ballot title is
4 defective, prepare a preliminary ballot title which complies with the law and furnish a
5 copy of such ballot title to the Secretary of State, the President Pro Tempore of the
6 Senate and the Speaker of the House of Representatives. The Attorney General ~~may~~
7 shall consider any comments made by the President Pro Tempore of the Senate or the
8 Speaker of the House of Representatives and shall file a final ballot title with the
9 Secretary of State no sooner than ten (10) business days and no later than fifteen (15)
10 business days after furnishing the preliminary ballot title; ~~and~~

11 2. The President Pro Tempore of the Senate, for measures originating in the
12 Senate, or the Speaker of the House of Representatives, for measures originating in the
13 House of Representatives, may submit a proposed ballot title to the Attorney General for
14 review as to legal correctness not later than fifteen (15) business days prior to final
15 passage of a measure. Within five (5) business days, the Attorney General shall, in
16 writing, notify the President Pro Tempore of the Senate or the Speaker of the House of
17 Representatives whether or not the proposed ballot title complies with applicable laws.
18 The Attorney General shall state with specificity any and all defects found and shall,
19 upon request of the President Pro Tempore of the Senate or the Speaker of the House of
20 Representatives, and within five (5) business days of such request, prepare a substitute
21 ballot title which complies with the law and furnish a copy of such ballot title to the
22 President Pro Tempore of the Senate or the Speaker of the House of Representatives. In

1 lieu of such request, the President Pro Tempore of the Senate or the Speaker of the
2 House of Representatives may revise the proposed ballot title to correct such defects and
3 resubmit the revised ballot title to the Attorney General. If the Attorney General
4 determines that the proposed ballot title complies with applicable laws, he or she shall
5 certify the ballot title in writing to the President Pro Tempore of the Senate or the
6 Speaker of the House of Representatives, who shall cause the certified ballot title to be
7 attached to the measure prior to final passage; and

8 3. After receipt of the measure and the official ballot title, as certified by the
9 Attorney General, the Secretary of State shall within five (5) days transmit to the
10 Secretary of the State Election Board an attested copy of the measure, including the
11 official ballot title.

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

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

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

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

9 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 04-07-10 - DO PASS.