

EHB 2246

1 THE STATE SENATE
2 Monday, April 6, 2009

3 ENGROSSED

4 **House Bill No. 2246**

5 **As Amended**

6 ENGROSSED HOUSE BILL NO. 2246 - By: Terrill, Kern, Reynolds and
7 Shumate of the House and Brogdon of the Senate.

8 [initiative and referendum - amending 11 sections in Title
9 34 - ballot title - codification - effective date]

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

11 SECTION 1. Pursuant to Section 3 of Article V of the Oklahoma
12 Constitution, there is hereby ordered the following legislative
13 referendum which shall be filed with the Secretary of State and
14 addressed to the Governor of the state, who shall submit the same to
15 the people for their approval or rejection at the next General
16 Election.

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

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

21 PETITION FOR REFERENDUM

22 To the Honorable _____, Governor of Oklahoma (or To the
23 Honorable _____, Mayor, Chairman of County Commissioners, or

1 other chief executive officer, as the case may be, of the city,
2 county or other municipal corporation of _____):

3 We, the undersigned legal voters of the State of Oklahoma (or
4 district of _____, county of _____, or city of
5 _____, as the case may be), respectfully order that Senate
6 (or House) Bill No. _____ (or ordinance No. _____),
7 entitled (title of Act, and if the petition is against less than the
8 whole Act, then set forth here the part or parts on which the
9 referendum is sought), passed by the _____ Legislature of the
10 State of Oklahoma, at the regular (or special) session of said
11 legislature, shall be referred to the people of the State (district
12 of _____, county of _____, or city of _____, as
13 the case may be) for their approval or rejection at the regular (or
14 special) election to be held on the _____ day of _____, ~~19~~
15 20, and each for himself says: I have personally signed this
16 petition; I am a legal voter of the State of Oklahoma (and district
17 of _____, county of _____, or city of _____, as
18 the case may be); my residence or post office are correctly written
19 after my name.

20 Referendum petitions shall be filed with the Secretary of State
21 not more than ninety days after the final adjournment of the session
22 of the Legislature which passed the bill on which the referendum is

1 demanded. (For county, city or other municipality the length of
2 time shall be thirty days.)

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

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

8 Name _____ Residence _____ Post Office _____

9 If in city, street and number.

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

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

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

15 INITIATIVE PETITION

16 To the Honorable _____, Governor of Oklahoma (or To the
17 Honorable _____, Mayor, Chairman of County Commissioners,
18 or other chief executive officers, as the case may be, for the city,
19 county or other municipality): We, the undersigned legal voters of
20 the State of Oklahoma (and of the district of _____,
21 county of _____, or city of _____, as the case
22 may be), respectfully order that the following proposed law (or
23 amendment to the constitution, ordinance, or amendment to the city

1 charter, as the case may be) shall be submitted to the legal voters
2 of the State of Oklahoma (or of the district of _____,
3 county of _____, or city of _____, as the case may
4 be) for their approval or rejection at the regular general election
5 (or regular or special city election), to be held on the ____ day
6 of _____, 19 20, and each for himself says: I have personally
7 signed this petition; I am a legal voter of the State of Oklahoma
8 (and of the district of _____, county of _____,
9 city of _____, as the case may be); my residence or post
10 office are correctly written after my name. The time for filing
11 this petition expires ~~ninety days~~ one year from (insert date when
12 petition is to be opened for signatures). (This for State
13 initiative. For county, city, or other municipality the length of
14 time shall be ninety days.) The question we herewith submit to our
15 fellow voters is: Shall the following bill (or proposed amendment
16 to the Constitution or resolution) be approved? (Insert here an
17 exact copy of the title and text of the measure.)

18 Name and Address of Proponents (not to exceed three)
19 Name _____ Residence _____ Post Office _____

20 If in the city, street and number.

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

22 SECTION **4.** AMENDATORY 34 O.S. 2001, Section 3, is
23 amended to read as follows:

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

18 SECTION 5. AMENDATORY 34 O.S. 2001, Section 3.1, is
19 amended to read as follows:

20 Section 3.1 It shall be unlawful for any person other than a
21 ~~qualified elector of~~ person registered to vote in the State of
22 Oklahoma, or a person registered to circulate ~~any~~ an initiative or
23 referendum petition in Oklahoma to amend, add to, delete, strike or

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

12 1. Name of petitioner;

13 2. Name of circulator;

14 3. Residential address, including street number, city, state
15 and ZIP code;

16 4. Mailing address, if different;

17 5. Have you been or do you expect to be paid for soliciting
18 signatures for this petition? [] YES [] NO;

19 6. If the answer to paragraph 5 is yes, then identify the
20 expected payor; and

21 7. Verified signature of circulator.

1 SECTION 6. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 3.2 of Title 34, unless there is
3 created a duplication in numbering, reads as follows:

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

- 6 1. Assaulting or intimidating any person with intent to deter
7 that person from signing or circulating a petition;
- 8 2. Touching, damaging, or stealing any petition or promotional
9 piece in the custody of a circulator without the consent of the
10 circulator;
- 11 3. Yelling, shouting, using a bullhorn or amplifier, cursing,
12 using obscene gestures, or engaging in other outrageous conduct with
13 the intent to deter a person from signing or circulating a petition;
- 14 4. Interrupting the communication between a circulator engaged
15 in conversation with a potential signer after that person is within
16 five (5) feet of a signer, including coming within arm's length of
17 either person until the conversation has ended, with the intent to
18 deter a person from signing or circulating a petition;
- 19 5. Interfering with business relationships with intent to deter
20 a person from signing or circulating a petition;
- 21 6. Making false claims that a circulator is attempting to
22 engage in identity theft or other criminal activity with intent to
23 deter a person from signing or circulating a petition;

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

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

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

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

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

1 SECTION 7. AMENDATORY 34 O.S. 2001, Section 4, is
2 amended to read as follows:

3 Section 4. When any such initiative or referendum petition
4 shall be offered for filing, the Secretary of State, in the presence
5 of the person offering the same for filing, shall detach the sheets
6 containing the signatures and affidavits and cause them all to be
7 attached to one or more printed copies of the measure so proposed by
8 initiative or referendum petition. All petitions for the initiative
9 and referendum and sheets for signatures may be single-sided and
10 stapled and shall be printed on pages eight and one-half (8 1/2)
11 inches in width by fourteen (14) inches in length, or eight and one-
12 half (8 1/2) inches in width by eleven (11) inches in length with a
13 margin of one and three-fourths (1 3/4) inches at the top for
14 binding; if the aforesaid sheets shall be too bulky for convenient
15 binding in one volume, they may be bound in two or more volumes,
16 those in each volume to be attached to a single printed copy of such
17 measure; the detached copies of such measures shall be delivered to
18 the person offering the same for filing. Each of the volumes and
19 each signature sheet therein shall be numbered consecutively, and a
20 cover sheet shall be attached, showing the purported number of
21 signature sheets, the series of numbers assigned to the signature
22 sheets and the total number of signatures counted per volume. The
23 Secretary of State shall render a signed receipt to the person

1 offering the petition for filing, which receipt shall include a
2 report, volume by volume, showing the number of signature sheets in
3 each volume, the series of numbers assigned to the signature sheets
4 in each volume, and the number of purported signatures in each
5 volume. Duplicate copies of the cover sheets, with necessary
6 corrections, may be used as receipts. If the volume of signatures
7 is sufficiently large, the Secretary of State shall seal the
8 petitions in such manner that they cannot be opened unless the seal
9 is broken, and if requested by those filing said petition, they
10 shall not be opened before 9:00 a.m. on the day following the date
11 said petitions are filed and said procedure shall continue until
12 such time as the Secretary shall be able to receipt the petitions so
13 filed; but additional signature sheets shall not be accepted after
14 5:00 p.m. on ninetieth day. The Secretary of State shall not
15 provide any copies of signature sheets to anyone until the sheets
16 have been bound as provided in this section.

17 Provided, that whenever reference is made in this act to the
18 Secretary of State, such reference shall include the Secretary of
19 State or any officer constitutionally designated to perform the
20 duties herein prescribed.

21 SECTION 8. AMENDATORY 34 O.S. 2001, Section 6, is
22 amended to read as follows:

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

5 State of Oklahoma, _____)
6) ss.
7 County of _____)

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

17 A registered voter may sign and circulate the same petition.
18 Each sheet of every such petition containing signatures shall
19 contain a certificate of circulator signed and executed by the
20 circulator after the last signature on a sheet has been obtained.

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

24 CERTIFICATE OF CIRCULATOR

1 I, _____, the circulator of this petition, assert that I am
2 qualified to circulate this petition, that each signature on the
3 petition was signed in my presence; and that, to my best knowledge
4 and belief, each signature is the genuine signature of the person
5 purporting to sign the petition, the person signing the petition was
6 at the time of signing a qualified registered voter of the State of
7 Oklahoma, and the voter was qualified to sign the petition.

8 No person shall make a false statement on a certificate of the
9 circulator. Every person convicted of a violation of this section
10 shall be punished by a fine not to exceed One Thousand Dollars
11 (\$1,000.00), or by imprisonment in the county jail not to exceed one
12 (1) year, or by both said fine and imprisonment.

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 or her post office address.)

17 SECTION 9. AMENDATORY 34 O.S. 2001, Section 6.1, is
18 amended to read as follows:

19 Section 6.1 A. The Secretary of State shall make or cause to
20 be made a physical count of the number of signatures on the
21 petitions. In making such count, the Secretary of State shall not
22 include in such physical count:

- 1 1. All signatures on any sheet of any petition which is not
2 verified by the person who circulated the sheet of the petition as
3 provided in Section 6 of this title;
- 4 2. All signatures of nonresidents;
- 5 3. All signatures on a sheet that is not attached to a copy of
6 the petition;
- 7 4. All multiple signatures on any printed signature line;
- 8 5. All signatures not on a printed signature line;
- 9 6. Those signatures by a person who signs with any name other
10 than his own or signs more than once; ~~and~~
- 11 7. All signatures on any sheet on which a notary has failed to
12 sign, the seal of the notary is absent, the commission of the notary
13 has expired or the expiration date is not on the signature sheet;
14 and
- 15 8. The signature of any person who has withdrawn their
16 signature from a petition appearing in person at the office of the
17 Secretary of State and filing a request to withdraw signature by
18 sworn affidavit including the following information before 5:00 p.m.
19 on the final day for filing petitions with the Secretary of State:
- 20 a. name of petitioner,
21 b. name of signer,
22 c. residential address, including street number, city,
23 state and ZIP code,

- 1 d. mailing address, if different,
2 e. have you been or do you expect to be paid for
3 withdrawing your signature for this petition? [] YES
4 [] NO,
5 f. if the answer to subparagraph e is yes, then identify
6 the expected payor, and
7 g. verified signature of circulator.

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

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

13 SECTION 10. AMENDATORY 34 O.S. 2001, Section 8, is
14 amended to read as follows:

15 Section 8. A. When a citizen or citizens desire to circulate a
16 petition initiating a proposition of any nature, whether to become a
17 statute law or an amendment to the Constitution, or for the purpose
18 of invoking a referendum upon legislative enactments, such citizen
19 or citizens shall, when such petition pamphlet is prepared, and
20 before the same is circulated or signed by ~~electors~~ voters, file for
21 approval a true and exact copy of same in the office of the
22 Secretary of State and, within ~~ninety (90) days~~ one (1) year after
23 ~~such filing of~~ an initiative petition is approved to be circulated

1 and signed by qualified registered voters according to this act, the
2 signed copies thereof shall be filed with the Secretary of State,
3 but the signed copies of a referendum petition shall be filed with
4 the Secretary of State within ninety (90) days after the adjournment
5 of the Legislature enacting the measure on which the referendum is
6 invoked. A referendum petition shall be filed, but need not be
7 approved before it may be circulated and signed by voters according
8 to this act. The ~~electors~~ voters shall sign their
9 legally-registered name, their address or post office box, and the
10 name of the county in which they reside.

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

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

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

22 1. All signed petitions have already been filed with the
23 Secretary of State;

1 2. No more petitions are in circulation; and

2 3. The proponents will not circulate any more petitions.

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

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

7 1. The total number of signatures counted pursuant to
8 procedures set forth in this title; and

9 2. The total number of votes cast for the state office
10 receiving the highest number of votes cast ~~at~~ in each of the last
11 two general election elections.

12 The Supreme Court shall make the determination of the numerical
13 sufficiency or insufficiency of the signatures counted by the
14 Secretary of State. If the signatures are not determined to be
15 insufficient before the second Tuesday in September of the year when
16 the signatures are filed, the question shall be placed on the
17 ballot.

18 Upon order of the Supreme Court it shall be the duty of the
19 Secretary of State to forthwith cause to be published, in at least
20 one newspaper of general circulation in the state, a notice of such
21 filing and the apparent sufficiency or insufficiency thereof and
22 notice that any citizen or citizens of the state may file a protest
23 to the petition or an objection to the count made by the Secretary

1 of State, by a written notice to the Supreme Court of the state and
2 to the proponent or proponents filing the petition, said protest to
3 be filed within ten (10) days after publication. A copy of the
4 protest or objection to the count shall be filed with the Secretary
5 of State. In case of the filing of an objection to the count,
6 notice shall also be given to the Secretary of State and the party
7 filing a protest, if one was filed.

8 D. The Secretary of State shall deliver the bound volumes of
9 signatures to the Supreme Court.

10 E. Upon the filing of an objection to the count, the Supreme
11 Court shall resolve the objection with dispatch. The Supreme Court
12 shall adopt rules to govern proceedings to apply to the challenge of
13 a measure on the grounds that the proponents failed to gather
14 sufficient signatures.

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

19 G. A protest filed by anyone hereunder may, if abandoned by the
20 party filing same, be revived within five (5) days by any other
21 citizen. After such hearing the Supreme Court of the state shall
22 decide whether such petition ~~be in form as required by the statutes~~
23 proponents failed to gather sufficient signatures. If the Court be

1 at the time adjourned, the Chief Justice shall immediately convene
2 the same for such hearing. No objection to the sufficiency shall be
3 considered unless the same shall have been made and filed as herein
4 provided.

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

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

13 SECTION 11. AMENDATORY 34 O.S. 2001, Section 9, as
14 amended by Section 2, Chapter 407, O.S.L. 2005 (34 O.S. Supp. 2008,
15 Section 9), is amended to read as follows:

16 Section 9. A. When a referendum is ordered by petition of the
17 people against any measure passed by the Legislature or when any
18 measure ~~is~~ proposed by initiative petition is filed for approval for
19 circulation and signing by voters, whether as an amendment to the
20 Constitution or as a statute, it shall be the duty of the parties
21 submitting the measure to prepare and file one copy of the measure
22 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 and in the case
4 of a proposed initiative shall file a proposed petition and a gist
5 statement. The suggested ballot title and gist statement:

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

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

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

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

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

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

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

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

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

1 business days and no later than fifteen (15) business days after
2 furnishing the preliminary ballot title.

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

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

11 1. After the filing ~~and binding~~ of the petition pamphlets,
12 proposed ballot title, and gist statement for approval for
13 circulation and signing by voters, the Secretary of State shall
14 submit the proposed ballot title to the Attorney General for review
15 as to legal correctness. Within ~~five (5)~~ fifteen (15) business days
16 after the filing of the measure and ballot title, the Attorney
17 General shall, in writing, notify the Secretary of State whether or
18 not the proposed ballot title complies with applicable laws. The
19 Attorney General shall state with specificity any and all defects
20 found ~~and, if necessary,~~ or issue the determination of compliance,
21 within ~~ten (10)~~ two (2) business days of determining that the
22 proposed ballot title ~~is defective,~~ or gist statement is in
23 compliance with all legal requirements relating to initiatives, and

1 shall notify the proponent of the determination of all such defects
2 or be estopped to later deny the legal correctness thereof, and
3 provide the proponent an opportunity to prepare and file a corrected
4 ballot title which complies with the law; and if the proponent does
5 file a corrected ballot title, petition pamphlet, or gist statement,
6 or if the proponent files a written statement that the proponent
7 will not make a requested change, then the Attorney General shall,
8 within two (2) days of receipt, notify the Secretary of State in
9 writing that the review is complete, and the Secretary of State
10 shall immediately approve or deny approval of the proposed ballot
11 title, language, petition pamphlet, or gist statement and publish
12 notification of completion of the review by the Attorney General and
13 all documents related to the filing on the official Secretary of
14 State website.

15 2. Within ten (10) business days after notification to the
16 proponent and the Secretary of State makes publication of approval
17 or denial, and of completion of the review by the Attorney General,
18 the Secretary of State shall, if no appeal is filed, immediately
19 approve the ballot title, petition pamphlet and gist statement for
20 circulation and signing by voters, transmit to the Secretary of the
21 State Election Board an attested copy of the measure, including the
22 official ballot title, and a certification that the requirements of
23 this section have been met. If an appeal is taken from such ballot

1 title within the time specified in Section 10 of this title, then
2 the Secretary of State shall certify to the Secretary of the State
3 Election Board the ballot title which is finally approved by the
4 Supreme Court. If no appeal is timely filed, then the ballot title,
5 petition pamphlet and gist statement shall not be subject to
6 challenge on the grounds that the petition pamphlet, language,
7 proposed ballot title, or gist statement is not in compliance with
8 all legal requirements relating to initiatives.

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

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

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

17 Unless a final determination of insufficiency is made within
18 thirty-five (35) days of the resubmission, the filing shall be
19 deemed approved and then the ballot title, language, petition
20 pamphlet, and gist statement shall not be subject to challenge on
21 the grounds that the petition pamphlet, language, proposed ballot
22 title, or gist statement is not in compliance with all legal
23 requirements relating to initiatives. If a final determination of

1 insufficiency is timely made, the proponent may continue to make
2 resubmissions to the court according to the procedure above, or may
3 make a new original filing, but in no case shall the proponent
4 circulate petitions until they are deemed approved.

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

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

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

22 SECTION 14. This act shall become effective January 1, 2011,
23 upon approval by the people.

1 SHALL THE PROPOSAL BE APPROVED?

2 FOR THE PROPOSAL — YES _____

3 AGAINST THE PROPOSAL — NO _____

4 **SECTION 16.** The Chief Clerk of the House of Representatives,
5 immediately after the passage of this order for legislative
6 referendum, shall prepare and file in accordance with Section 3 of
7 Article V of the Oklahoma Constitution, one copy of this order for
8 legislative referendum, including the Ballot Title set forth in
9 SECTION 15, with the Secretary of State and one copy with the
10 Attorney General.

11 **SECTION 17.** The Secretary of State shall refer to the people
12 for their approval or rejection, as and in the manner provided by
13 law, the following proposed amendment to Section 2 of Article V of
14 the Oklahoma Constitution to read as follows:

15 Section 2. The first power reserved by the people is the
16 initiative, and ~~eight~~ five per centum of the legal voters shall have
17 the right to propose any legislative measure, and ~~fifteen~~ ten per
18 centum of the legal voters shall have the right to propose
19 amendments to the Constitution by petition, and every such petition
20 shall include the full text of the measure so proposed. The second
21 power is the referendum, and it may be ordered (except as to laws
22 necessary for the immediate preservation of the public peace,
23 health, or safety), either by petition signed by five per centum of

1 the legal voters or by the Legislature as other bills are enacted.
2 The ratio and per centum of legal voters hereinbefore stated shall
3 be based upon the total number of votes cast at the last general
4 election for the ~~State office receiving the highest number of votes~~
5 ~~at such election~~ Office of Governor.

6 **SECTION 18. The Ballot Title for the proposed Constitutional**
7 **amendment as set forth in SECTION 17 of this act shall be in the**
8 **following form:**

9 BALLOT TITLE

10 Legislative Referendum No. _____ State Question No. _____

11 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

12 This measure would amend Section 2 of Article 5 of the State
13 Constitution. Under current law, eight percent of the voters
14 must sign an initiative petition for a legislative measure.
15 Fifteen percent must sign for a constitutional amendment. These
16 percentages are based on the state office receiving the highest
17 number of votes at the last General Election. This measure
18 would change those percentages to five percent for a legislative
19 measure and ten percent for a constitutional amendment. The
20 percentage would be based on the number of votes cast at the
21 last General Election for the Office of Governor.

22 SHALL THE PROPOSAL BE APPROVED?

23 FOR THE PROPOSAL — YES _____

1 AGAINST THE PROPOSAL – NO _____

2 **SECTION 19. The Chief Clerk of the House of Representatives,**

3 **immediately after the passage of this act, shall prepare and file**

4 **one copy thereof, including the Ballot Title set forth in SECTION 18**

5 **hereof, with the Secretary of State and one copy with the Attorney**

6 **General.**

7 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 4-1-09 - DO PASS, As

8 Amended and Coauthored.