

3 Senate Bill No. 2008

4 SENATE BILL NO. 2008 - By: Coffee of the Senate and Benge of the  
5 House.

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

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

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

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

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

- 1        1. Shall not exceed two hundred (200) words;
- 2        2. Shall explain in basic words, which can be easily found in  
3 dictionaries of general usage, the effect of the proposition;
- 4        3. Shall be written on the eighth-grade reading comprehension  
5 level;
- 6        4. Shall not contain any words which have a special meaning for  
7 a particular profession or trade not commonly known to the citizens  
8 of this state;
- 9        5. Shall not reflect partiality in its composition or contain  
10 any argument for or against the measure;
- 11       6. Shall contain language which clearly states that a "yes"  
12 vote is a vote in favor of the proposition and a "no" vote is a vote  
13 against the proposition; and
- 14       7. Shall not contain language whereby a "yes" vote is, in fact,  
15 a vote against the proposition and a "no" vote is, in fact, a vote  
16 in favor of the proposition.

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

- 20       1. ~~After~~ Unless the procedure specified in paragraph 2 of this  
21 subsection is followed, after final passage of a measure, the  
22 Secretary of State shall submit the proposed ballot title to the  
23 Attorney General for review as to legal correctness. Within five

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

17 2. The President Pro Tempore of the Senate, for measures  
18 originating in the Senate, or the Speaker of the House of  
19 Representatives, for measures originating in the House of  
20 Representatives, may submit a proposed ballot title to the Attorney  
21 General for review as to legal correctness not later than fifteen  
22 (15) business days prior to final passage of a measure. Within five  
23 (5) business days, the Attorney General shall, in writing, notify

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

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

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

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

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

1           SECTION 2.   This act shall become effective January 1, 2011.  
2   COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-9-10 - DO PASS,  
3   As Coauthored.