STATE OF OKLAHOMA

1st Session of the 52nd Legislature (2009)

HOUSE BILL 2246 By: Terrill

AS INTRODUCED

An Act relating to initiative and referendum; amending 34 O.S. 2001, Sections 1, 2, 3, 3.1, 4, 6, 6.1, 8, 9, as amended by Section 2, Chapter 407, O.S.L. 2005, 10 and 11 (34 O.S. Supp. 2008, Section 9), which relate to initiatives and referendums; modifying referendum petition form; modifying initiative petition form; modifying signature and circulation requirements; providing requirements for petition circulators; providing for protected rights of petition circulators; providing for violations; modifying filing requirements of petition; providing for certificate of circulator; allowing certain persons to withdraw signature; requiring approval before circulation of petition; providing for gist statement; modifying dates for filing; modifying appeal of ballot title; modifying procedure upon appeal; providing for codification; and providing an effective date.

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

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

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

PETITION FOR REFERENDUM

To the Honorable _____, Governor of Oklahoma (or To the Honorable _____, Mayor, Chairman of County Commissioners, or other chief executive officer, as the case may be, of the city, county or other municipal corporation of _____):

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

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

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

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

Name and Address of Proponents (not to exceed three)

Name _____ Residence _____ Post Office _____ If in city, street and number.

(Here follow twenty <u>or fewer</u> numbered lines for signatures.)

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

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

INITIATIVE PETITION

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

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

Name and Address of Proponents (not to exceed three)

Name _____ Residence _____ Post Office _____ If in the city, street and number.

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

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

Section 3. Each initiative petition and each referendum petition shall be duplicated for the securing of signatures, and

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

SECTION 4. AMENDATORY 34 O.S. 2001, Section 3.1, is amended to read as follows:

Section 3.1 It shall be unlawful for any person other than a ~~qualified elector of~~ person registered to vote in the State of Oklahoma, or a person registered to circulate ~~any~~ an initiative or referendum petition in Oklahoma to amend, add to, delete, strike or otherwise change in any way the Constitution or laws of the State of Oklahoma, or of any subdivision of the State of Oklahoma. Every person convicted of a violation of this section shall be punished by

a fine of not to exceed One Thousand Dollars ($1,000.00), or by imprisonment in the county jail for not to exceed one (1) year, or by both said fine and imprisonment. To be registered to circulate an initiative or referendum petition in Oklahoma a person must be eighteen (18) years of age and a U.S. Citizen who shall file in writing, by sworn affidavit, the following information to the Ethics Commission office before final filing of signed petitions with the Secretary of State:

1. Name of petition;

2. Name of circulator;

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

4. Mailing address, if different;

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

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

7. Verified signature of circulator.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3.2 of Title 34, unless there is created a duplication in numbering, reads as follows:

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

1. Assaulting or intimidating any person with intent to deter that person from signing or circulating a petition;

2. Touching, damaging, or stealing any petition or promotional piece in the custody of a circulator without the consent of the circulator;

3. Yelling, shouting, using a bullhorn or amplifier, cursing, using obscene gestures, or engaging in other outrageous conduct with the intent to deter a person from signing or circulating a petition;

4. Interrupting the communication between a circulator engaged in conversation with a potential signer after that person is within five (5) feet of a signer, including coming within arm’s length of either person until the conversation has ended, with the intent to deter a person from signing or circulating a petition;

5. Interfering with business relationships with intent to deter a person from signing or circulating a petition;

6. Making false claims that a circulator is attempting to engage in identity theft or other criminal activity with intent to deter a person from signing or circulating a petition;

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

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

9. Making false statements to any person with respect to any circulator or signer, or otherwise making any threat of assault, defamation, or business interruption, to any person having authority to eject a petitioner from a location with intent to have a circulator ejected or interfere with the 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 to exceed One Thousand Dollars ($1,000.00), or by imprisonment in the county jail not to exceed one (1) year, or by both said fine and imprisonment. Every person who violates this section, or pays or directly incites any person to engage in violation of this section is responsible for statutory damages to the circulator in the amount of Five Hundred Dollars ($500.00) for each violation.

SECTION 6. AMENDATORY 34 O.S. 2001, Section 4, is amended to read as follows:

Section 4. When any such initiative or referendum petition shall be offered for filing, the Secretary of State, in the presence of the person offering the same for filing, shall detach the sheets containing the signatures and affidavits and cause them all to be attached to one or more printed copies of the measure so proposed by initiative or referendum petition. All petitions for the initiative

and referendum and sheets for signatures may be single-sided and stapled and shall be printed on pages eight and one-half (8 1/2) inches in width by fourteen (14) inches in length, or eight and one-half (8 1/2) inches in width by eleven (11) inches in length with a margin of one and three-fourths (1 3/4) inches at the top for binding; if the aforesaid sheets shall be too bulky for convenient binding in one volume, they may be bound in two or more volumes, those in each volume to be attached to a single printed copy of such measure; the detached copies of such measures shall be delivered to the person offering the same for filing. Each of the volumes and each signature sheet therein shall be numbered consecutively, and a cover sheet shall be attached, showing the purported number of signature sheets, the series of numbers assigned to the signature sheets and the total number of signatures counted per volume. The Secretary of State shall render a signed receipt to the person offering the petition for filing, which receipt shall include a report, volume by volume, showing the number of signature sheets in each volume, the series of numbers assigned to the signature sheets in each volume, and the number of purported signatures in each volume. Duplicate copies of the cover sheets, with necessary corrections, may be used as receipts. If the volume of signatures is sufficiently large, the Secretary of State shall seal the petitions in such manner that they cannot be opened unless the seal is broken, and if requested by those filing said petition, they

shall not be opened before 9:00 a.m. on the day following the date said petitions are filed and said procedure shall continue until such time as the Secretary shall be able to receipt the petitions so filed; but additional signature sheets shall not be accepted after 5:00 p.m. on ninetieth day. The Secretary of State shall not provide any copies of signature sheets to anyone until the sheets have been bound as provided in this section.

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

SECTION 7. AMENDATORY 34 O.S. 2001, Section 6, is amended to read as follows:

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

~~State of Oklahoma,)~~
~~) ss.~~
~~County of _____)~~

~~I, _____, being first duly sworn, say: That I am a qualified elector of the State of Oklahoma and that (Here shall be legibly written or typewritten the names of the signers of the sheet), signed this sheet of the foregoing petition, and each of them signed his name thereto in my presence; I believe that each has stated his~~

~~name, post office address, and residence correctly, and that each signer is a legal voter of the State of Oklahoma and county of _____ or of the city of _____ (as the case may be). (Signature and postoffice address of affiant.)~~

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

The statement of the circulator shall be in substantially 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 on the petition was signed in my presence; and that, to my best knowledge and belief, each signature is the genuine signature of the person purporting to sign the petition, the person signing the petition was at the time of signing a qualified registered voter of the State of Oklahoma, and the voter was qualified to sign the petition.

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

Subscribed and sworn to before me this _____ day of _____ A.D. ~~19~~ 20__.

(Signature and title of the officer before whom oath is made, and his or her post office address.)

SECTION 8. AMENDATORY 34 O.S. 2001, Section 6.1, is amended to read as follows:

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

1. All signatures on any sheet of any petition which is not verified by the person who circulated the sheet of the petition as provided in Section 6 of this title;

2. All signatures of nonresidents;

3. All signatures on a sheet that is not attached to a copy of the petition;

4. All multiple signatures on any printed signature line;

5. All signatures not on a printed signature line;

6. Those signatures by a person who signs with any name other than his own or signs more than once; ~~and~~

7. All signatures on any sheet on which a notary has failed to sign, the seal of the notary is absent, the commission of the notary has expired or the expiration date is not on the signature sheet; and

8. 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 5:00 p.m. on the final day for filing petitions with the Secretary of State:

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. have you been or do you expect to be paid for withdrawing your signature for this petition? [ ] YES [ ] NO,

f. if the answer to subparagraph e is yes, then identify the expected payor, and

g. verified signature of circulator.

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

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

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

Section 8. A. When a citizen or citizens desire to circulate a petition initiating a proposition of any nature, whether to become a statute law or an amendment to the Constitution, or for the purpose of invoking a referendum upon legislative enactments, such citizen or citizens shall, when such petition pamphlet is prepared, and before the same is circulated or signed by ~~electors~~ voters, file for approval a true and exact copy of same in the office of the Secretary of State and, within ~~ninety (90) days~~ one (1) year after ~~such filing of~~ an initiative petition is approved to be circulated and signed by qualified registered voters according to this act, the signed copies thereof shall be filed with the Secretary of State, but the signed copies of a referendum petition shall be filed with the Secretary of State within ninety (90) days after the adjournment of the Legislature enacting the measure on which the referendum is invoked. A referendum petition shall be filed, but need not be approved before it may be circulated and signed by voters according to this act. The ~~electors~~ voters shall sign their legally-registered name, their address or post office box, and the name of the county in which they reside.

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

Any petition not filed in accordance with this provision shall not be considered. The proponents of a referendum or an initiative

petition, any time before the final submission of signatures, may withdraw the referendum or initiative petition upon written notification to the Secretary of State.

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

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

2. No more petitions are in circulation; and

3. The proponents will not circulate any more petitions.

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

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

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

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

The Supreme Court shall make the determination of the numerical sufficiency or insufficiency of the signatures counted by the Secretary of State. If the signatures are not determined to be insufficient before the second Tuesday in September of the year when

the signatures are filed, the question shall be placed on the ballot.

Upon order of the Supreme Court it shall be the duty of the Secretary of State to forthwith cause to be published, in at least one newspaper of general circulation in the state, a notice of such filing and the apparent sufficiency or insufficiency thereof and notice that any citizen or citizens of the state may file a protest to the petition or an objection to the count made by the Secretary of State, by a written notice to the Supreme Court of the state and to the proponent or proponents filing the petition, said protest to be filed within ten (10) days after publication. A copy of the protest or objection to the count shall be filed with the Secretary of State. In case of the filing of an objection to the count, notice shall also be given to the Secretary of State and the party filing a protest, if one was filed.

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

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

F. Upon the filing of a protest to the petition, the Supreme Court of the state shall then fix a day, not less than ten (10) days

thereafter, at which time it will hear testimony and arguments for and against the sufficiency of such petition.

G. A protest filed by anyone hereunder may, if abandoned by the party filing same, be revived within five (5) days by any other citizen. After such hearing the Supreme Court of the state shall decide whether such petition ~~be in form as required by the statutes~~ proponents failed to gather sufficient signatures. If the Court be at the time adjourned, the Chief Justice shall immediately convene the same for such hearing. No objection to the sufficiency shall be considered unless the same shall have been made and filed as herein provided.

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

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

SECTION 10. AMENDATORY 34 O.S. 2001, Section 9, as amended by Section 2, Chapter 407, O.S.L. 2005 (34 O.S. Supp. 2008, Section 9), is amended to read as follows:

Section 9. A. When a referendum is ordered by petition of the people against any measure passed by the Legislature or when any

measure ~~is~~ proposed by initiative petition is filed for approval for circulation and signing by voters, whether as an amendment to the Constitution or as a statute, it shall be the duty of the parties submitting the measure to prepare and file one copy of the measure with the Secretary of State and one copy with the Attorney General.

B. The parties submitting the measure shall also submit a suggested ballot title which shall be filed on a separate sheet of paper and shall not be deemed part of the petition and in the case of a proposed initiative shall file a proposed petition and a gist statement. The suggested ballot title and gist statement:

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

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

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

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

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

6. Shall contain language which clearly designates the statute or constitutional provision to be amended or proposed and states that a "yes" vote is a vote in favor of the proposition and a "no"

vote is a vote against the proposition, which shall not count against the word limitation; and

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

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

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

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

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

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

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

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

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

Election Board the ballot title which is finally approved by the Supreme Court. If no appeal is timely filed, then the ballot title, petition pamphlet and gist statement shall not be subject to challenge on the grounds that the petition pamphlet, language, proposed ballot title, or gist statement is not in compliance with all legal requirements relating to initiatives.

SECTION 11. AMENDATORY 34 O.S. 2001, Section 10, is amended to read as follows:

Section 10. A. Any person who is dissatisfied with the wording of a ballot title may, within ten (10) days after notification to the ~~same is filed~~ proponent and the date the Secretary of State makes publication of completion of the review by the Attorney General ~~with the Secretary of State~~ as provided for in Section 9 of this title, appeal to the Supreme Court by petition challenging the legal sufficiency of the petition pamphlet, language, ballot title, or the gist statement in which shall be offered a substitute ballot title, petition pamphlet, or gist statement for the one from which the appeal is taken. Upon the hearing of such appeal, which shall be commenced within ten (10) days of the appeal, the court may correct or amend the ballot title, petition pamphlet, or gist statement before the court, or accept the substitute suggested, or may draft a new one which will conform to the provisions of Section 9 of this title. Unless a final determination of insufficiency is made within thirty-five (35) days of the appeal, the filing shall be

deemed approved and then the ballot title, language, petition, pamphlet, and gist statement shall not be subject to challenge on the grounds that the petition pamphlet, language, proposed ballot title, or gist statement is 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 a modified ballot title, language, petition pamphlet, or gist statement and offer same for approval by the court within ten (10) days of a determination of insufficiency. The court shall give notice to all parties to the appeal and shall commence a hearing within ten (10) days of submission and consider the proposed corrections.

Unless a final determination of insufficiency is made within thirty-five (35) days of the resubmission, the filing shall be deemed approved and then the ballot title, language, petition pamphlet, and gist statement shall not be subject to challenge on the grounds that the petition pamphlet, language, proposed ballot title, or gist statement is 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.

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

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

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

SECTION 13. This act shall become effective November 1, 2009.

52-1-6355 LRB 12/29/08