

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 SENATE BILL 1806

By: Nichols

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5
6 AS INTRODUCED

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 clarifying language; and providing an effective date.

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

13 SECTION 1. AMENDATORY 34 O.S. 2001, Section 9, as last
14 amended by Section 2, Chapter 318, O.S.L. 2009 (34 O.S. Supp. 2009,
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, whether as an amendment
19 to the Constitution or as a statute, it shall be the duty of the
20 parties submitting the measure to prepare and file one copy of the
21 measure with the Secretary of State and one copy with the Attorney
22 General.

23 B. The parties submitting the measure shall also submit a
24 suggested ballot title which shall be filed on a separate sheet of

1 paper and shall not be deemed part of the petition. The suggested
2 ballot title shall:

3 1. ~~Shall not~~ Not exceed two hundred (200) words;

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

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

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

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

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

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

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

23 1. After final passage of a measure, the Secretary of State
24 shall submit the proposed ballot title to the Attorney General for

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

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

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

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

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

21 SECTION 2. This act shall become effective November 1, 2010.

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