

1 STATE OF OKLAHOMA

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

3 SENATE BILL 2008

By: Coffee

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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 providing alternative procedure for submission of  
12 ballot titles to and certification by Attorney  
13 General; requiring Attorney General to consider  
14 certain comments; and providing an effective date.

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

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

19 Section 9. A. When a referendum is ordered by petition of the  
20 people against any measure passed by the Legislature or when any  
21 measure is proposed by initiative petition, whether as an amendment  
22 to the Constitution or as a statute, it shall be the duty of the  
23 parties submitting the measure to prepare and file one copy of the  
24 measure 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. The suggested  
4 ballot title:

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

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

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

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

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

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

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

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

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

21        2. The President Pro Tempore of the Senate, for measures  
22 originating in the Senate, or the Speaker of the House of  
23 Representatives, for measures originating in the House of  
24 Representatives, may submit a proposed ballot title to the Attorney

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

22 3. After receipt of the measure and the official ballot title,  
23 as certified by the Attorney General, the Secretary of State shall  
24 within five (5) days transmit to the Secretary of the State Election

1 Board an attested copy of the measure, including the official ballot  
2 title.

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

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

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

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

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