

1 ENGROSSED SENATE AMENDMENT  
TO

2 ENGROSSED HOUSE  
JOINT

3 RESOLUTION NO. 1082

By: Roberts (Sean), Banz,  
Reynolds, Ritze, Casey,  
Derby and Enns of the House

4  
5 and

6 Fields of the Senate

7

8 A Joint Resolution directing the Secretary of State  
9 to refer to the people for their approval or  
10 rejection a proposed amendment to Section 12 of  
11 Article II of the Constitution of the State of  
12 Oklahoma; providing exception to prohibition against  
13 dual office holding; providing ballot title; and  
14 directing filing.

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13 AUTHOR: Add the following Senate Coauthors: Allen, Childers,  
14 David, Garrison and Shortey

15 AMENDMENT NO. 1. Page 1, strike the title, resolving clause and  
16 entire resolution and insert

17 "A Joint Resolution directing the Secretary of State  
18 to refer to the people for their approval or  
19 rejection a proposed amendment to Section 12 of  
20 Article II of the Oklahoma Constitution; providing  
21 exception to prohibition against dual office holding;  
22 providing for legislative authority; providing ballot  
23 title; and directing filing.

21

22 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE  
23 2ND SESSION OF THE 53RD OKLAHOMA LEGISLATURE:

24

1 SECTION 1. The Secretary of State shall refer to the people for  
2 their approval or rejection, as and in the manner provided by law,  
3 the following proposed amendment to Section 12 of Article II of the  
4 Oklahoma Constitution to read as follows:

5 Section 12. No member of Congress from this state, or person  
6 holding any office of trust or profit under the laws of any other  
7 state, or of the United States, shall hold any office of trust or  
8 profit under the laws of this state; provided, neither the  
9 provisions of this section nor any other provision of this  
10 Constitution or state law shall be construed to prohibit the  
11 following officeholders from holding at the same time any other  
12 office of trust or profit:

- 13 1. Officers and enlisted members of the National Guard;
- 14 2. Officers and enlisted members of the National Guard Reserve;
- 15 3. Officers of the Officers Reserve Corps of the United States;
- 16 4. Enlisted members of the Organized Reserves of the United  
17 States; and
- 18 5. Officers and enlisted members of the Oklahoma State Guard  
19 and any other active militia or military force organized under state  
20 law.

21 The Legislature shall have the power to enact laws to further  
22 implement the provisions of this section.

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1 SECTION 2. The Ballot Title for the proposed Constitutional  
2 amendment as set forth in SECTION 1 of this resolution shall be in  
3 the following form:

4 BALLOT TITLE

5 Legislative Referendum No. \_\_\_\_\_ State Question No. \_\_\_\_\_

6 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

7 This measure amends Section 12 of Article 2 of the State  
8 Constitution. This section prohibits the holding of more than  
9 one office at the same time. It applies to certain offices.  
10 This measure would not allow the law to be construed to keep  
11 some people from holding two offices at the same time. It would  
12 apply to officers and enlisted members of the National Guard,  
13 and the National Guard Reserve. It would also apply to the  
14 Oklahoma State Guard and any other active militia or military  
15 force organized under state law. It would also apply to  
16 officers of the Officers Reserve Corps of the United States and  
17 enlisted members of the Organized Reserves of the United States.  
18 The Legislature could pass laws to put these changes in place.

19 SHALL THE PROPOSAL BE APPROVED?

20 FOR THE PROPOSAL - YES \_\_\_\_\_

21 AGAINST THE PROPOSAL - NO \_\_\_\_\_

22 SECTION 3. The Speaker of the House of Representatives shall,  
23 immediately after the passage of this resolution, prepare and file  
24 one copy thereof, including the Ballot Title set forth in SECTION 2

1 hereof, with the Secretary of State and one copy with the Attorney  
2 General."

3 Passed the Senate the 24th day of April, 2012.

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\_\_\_\_\_  
Presiding Officer of the Senate

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7 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,

8 2012.

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Presiding Officer of the House  
of Representatives

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to refer to the people for their approval or  
9 rejection a proposed amendment to Section 12 of  
Article II of the Constitution of the State of  
10 Oklahoma; providing exception to prohibition against  
dual office holding; providing ballot title; and  
11 directing filing.

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13  
14 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE  
15 2ND SESSION OF THE 53RD OKLAHOMA LEGISLATURE:

16 SECTION 4. The Secretary of State shall refer to the people for  
17 their approval or rejection, as and in the manner provided by law,  
18 the following proposed amendment to Section 12 of Article II of the  
19 Constitution of the State of Oklahoma to read as follows:

20 Section 12. No member of Congress from this State, or person  
21 holding any office of trust or profit under the laws of any other  
22 State, or of the United States, shall hold any office of trust or  
23 profit under the laws of this State. The provisions of this section  
24 shall not prevent a person who holds an office under the laws of

1 this state or who is a member of Congress from this state from  
2 retaining such office if the person is a member of the Oklahoma  
3 National Guard or any reserve component of any branch of the United  
4 States Military and is ordered by the proper authority to active  
5 service.

6 SECTION 5. The Ballot Title for the proposed Constitutional  
7 amendment as set forth in SECTION 1 of this resolution shall be in  
8 the following form:

9 BALLOT TITLE

10 Legislative Referendum No. \_\_\_\_\_ State Question No. \_\_\_\_\_

11 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

12 This measure amends the State Constitution. It amends a section  
13 that forbids persons holding state office from serving in a  
14 federal office. This bars state officers from serving on active  
15 duty in the National Guard or the Reserves. The proposed change  
16 would let state officers serve on active duty if they are called  
17 to do so.

18 SHALL THE PROPOSAL BE APPROVED?

19 FOR THE PROPOSAL - YES \_\_\_\_\_

20 AGAINST THE PROPOSAL - NO \_\_\_\_\_

21 SECTION 6. The Chief Clerk of the House of Representatives,  
22 immediately after the passage of this resolution, shall prepare and  
23 file one copy thereof, including the Ballot Title set forth in  
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