

1 ENGROSSED HOUSE  
2 BILL NO. 1225

By: Ownbey and Dorman of the  
House

3 and

4 Simpson of the Senate  
5  
6

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 2010, Section 9), which relates to initiative  
11 petitions; requiring statement of funding sources for  
12 certain measures; requiring preparation and  
13 publication of cost estimate by the Office of State  
14 Finance; 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. 2010,  
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. If the measure being submitted by the parties requires a  
22 funding source, the parties shall also submit to the Secretary of  
23 State and the Attorney General a statement outlining all sources of  
24 funding to be used in the measure. If a funding source is required,

1 the Office of State Finance shall prepare an estimate of the annual  
2 cost to the state and shall publish this information on the website  
3 of the Secretary of State.

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

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

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

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

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

20           2. Within ten (10) business days after completion of the review  
21 by the Attorney General, the Secretary of State shall, if no appeal  
22 is filed, transmit to the Secretary of the State Election Board an  
23 attested copy of the measure, including the official ballot title,  
24 and a certification that the requirements of this section have been

1 met. If an appeal is taken from such ballot title within the time  
2 specified in Section 10 of this title, then the Secretary of State  
3 shall certify to the Secretary of the State Election Board the  
4 ballot title which is finally approved by the Supreme Court.

5 SECTION 2. This act shall become effective November 1, 2011.

6 Passed the House of Representatives the 28th day of February,  
7 2011.

8

9

10

\_\_\_\_\_  
Presiding Officer of the House of  
Representatives

11

12

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2011.

13

14

15

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

16

17

18

19

20

21

22

23

24