

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 53rd Legislature (2011)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1664

By: Osborn of the House

and

Sykes of the Senate

7
8
9
10 COMMITTEE SUBSTITUTE

11 An Act relating to initiative and referendum;
12 amending 34 O.S. 2001, Section 9, as last amended by
13 Section 2, Chapter 318, O.S.L. 2009 (34 O.S. Supp.
14 2010, Section 9), which relates to ballot titles;
15 removing certain requirements from ballot title;
16 providing for procedure of appeal; and providing an
17 effective date.

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

19 SECTION 1. AMENDATORY 34 O.S. 2001, Section 9, as last
20 amended by Section 2, Chapter 318, O.S.L. 2009 (34 O.S. Supp. 2010,
21 Section 9), is amended to read as follows:

22 Section 9. A. When a referendum is ordered by petition of the
23 people against any measure passed by the Legislature or when any
24 measure is proposed by initiative petition, whether as an amendment

HB1664 HFLR

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 to the Constitution or as a statute, it shall be the duty of the
2 parties submitting the measure to prepare and file one copy of the
3 measure with the Secretary of State and one copy with the Attorney
4 General.

5 B. The parties submitting the measure shall also submit a
6 suggested ballot title which shall be filed on a separate sheet of
7 paper and shall not be deemed part of the petition. The suggested
8 ballot title:

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

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

12 3. ~~Shall be written on the eighth grade reading comprehension~~
13 ~~level;~~

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

17 5. 4. Shall not reflect partiality in its composition or
18 contain any argument for or against the measure;

19 6. 5. Shall contain language which clearly states that a "yes"
20 vote is a vote in favor of the proposition and a "no" vote is a vote
21 against the proposition; and

22
23
24

1 ~~7.~~ 6. Shall not contain language whereby a "yes" vote is, in
2 fact, a vote against the proposition and a "no" vote is, in fact, a
3 vote in favor of the proposition.

4 C. 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 respond in writing to
22 the comments and shall file a final ballot title with the Secretary
23 of State no sooner than ten (10) business days and no later than

24
HB1664 HFLR

1 fifteen (15) business days after furnishing the preliminary ballot
2 title; and

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

8 3. If the President Pro Tempore of the Senate or the Speaker of
9 the House of Representatives is dissatisfied with the wording of a
10 ballot title, the President Pro Tempore or Speaker may, within ten
11 (10) days after the filing of the final ballot title with the
12 Secretary of State, appeal to the Supreme Court by petition in which
13 shall be offered a substitute ballot title for the one from which
14 the appeal is taken. Upon the hearing of such appeal, the court
15 shall, within ten (10) days of the filing of the petition, make a
16 ruling as to which ballot title shall be used and filed with the
17 Secretary of State.

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

21 1. After the filing of the petition and prior to the gathering
22 of signatures thereon, the Secretary of State shall submit the
23 proposed ballot title to the Attorney General for review as to legal
24

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

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

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

19 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 02-17-2011 - DO PASS,
20 As Amended and Coauthored.

21
22
23
24