

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 1225

By: Ownbey

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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 2010, Section 9), which relates to initiative
11 petitions; requiring statement of funding sources for
12 certain measures; and providing an effective date.

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

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

17 Section 9. A. When a referendum is ordered by petition of the
18 people against any measure passed by the Legislature or when any
19 measure is proposed by initiative petition, whether as an amendment
20 to the Constitution or as a statute, it shall be the duty of the
21 parties submitting the measure to prepare and file one copy of the
22 measure with the Secretary of State and one copy with the Attorney
23 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.

1 D. When a measure is proposed as a constitutional amendment by
2 the Legislature or when the Legislature proposes a statute
3 conditioned upon approval by the people:

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

22 2. 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.~~ E. 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 November 1, 2011.

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