

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 1315 By: Marlatt of the Senate
3 and
4 Grau of the House
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8 [initiative petitions - petitions filed with
9 Secretary of State -
10 emergency]
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12 AMENDMENT NO. 1. Strike the stricken title, enacting clause and
13 entire bill and insert

14 "[initiative petitions - petitions filed with
15 Secretary of State -
16 emergency]
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19 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

20 SECTION 1. AMENDATORY 34 O.S. 2011, Section 8, is
21 amended to read as follows:

22 Section 8. A. When a citizen or citizens desire to circulate a
23 petition initiating a proposition of any nature, whether to become a
24 statute law or an amendment to the Constitution, or for the purpose

1 of invoking a referendum upon legislative enactments, such citizen
2 or citizens shall, when such petition is prepared, and before the
3 same is circulated or signed by electors, file a true and exact copy
4 of same in the office of the Secretary of State.

5 B. It shall be the duty of the Secretary of State to cause to
6 be published, in at least one newspaper of general circulation in
7 the state, a notice of such filing and the apparent sufficiency or
8 insufficiency of the petition. Such publication shall include the
9 text of the ballot title as reviewed or, if applicable, as
10 rewritten, by the Attorney General pursuant to the provisions of
11 subsection D of Section 9 of this title, and shall include notice
12 that any citizen or citizens of the state may file a protest as to
13 the constitutionality of the petition, by a written notice to the
14 Supreme Court and to the proponent or proponents filing the
15 petition, or as to the ballot title as provided in Section 10 of
16 this title. Any such protest must be filed within ten (10) days
17 after publication. A copy of the protest shall be filed with the
18 Secretary of State.

19 C. Upon the filing of a protest to the petition, the Supreme
20 Court shall then fix a day, not less than ten (10) days thereafter,
21 at which time it will hear testimony and arguments for and against
22 the sufficiency of such petition.

23 D. A protest filed by anyone hereunder may, if abandoned by the
24 party filing same, be revived within five (5) days by any other

1 citizen. After such hearing the Supreme Court shall decide whether
2 such petition is in the form required by the statutes. If the Court
3 is at the time adjourned, the Chief Justice shall immediately
4 convene the same for such hearing. No objection to the sufficiency
5 shall be considered unless it has been made and filed as herein
6 provided.

7 E. ~~Within ninety (90) days after such filing of~~ When an
8 ~~initiative petition or determination of the sufficiency of the~~
9 ~~petition by the Supreme Court as provided in this section, whichever~~
10 ~~is later, the signed copies thereof shall be~~ has been filed with in
11 the office of the Secretary of State, but the signed copies of a
12 referendum petition shall be filed with and all appeals, protests
13 and rehearings have been resolved or the period for such has
14 expired, and the ballot title process is complete, the Secretary of
15 State shall set the date for circulation of signatures for the
16 petition to begin, but in no event shall the date be less than three
17 (3) days or more than ten (10) days from the date when all appeals,
18 protests and rehearings have been resolved or have expired.
19 Notification shall be sent to the proponents specifying the date on
20 which circulation of the petition shall begin and that the
21 signatures are due within ninety (90) days ~~after the adjournment of~~
22 ~~the Legislature enacting the measure on which the referendum is~~
23 ~~invoked or determination of the sufficiency of the petition by the~~
24 ~~Supreme Court as provided in this section, whichever is later~~ of the

1 date set. Each elector shall sign his or her legally registered
2 name, address or post office box, and the name of the county of
3 residence. Any petition not filed in accordance with this provision
4 shall not be considered. The proponents of a referendum or an
5 initiative petition, any time before the final submission of
6 signatures, may withdraw the referendum or initiative petition upon
7 written notification to the Secretary of State.

8 F. The proponents of a referendum or an initiative petition may
9 terminate the circulation period any time during the ninety-day
10 circulation period by certifying to the Secretary of State that:

11 1. All signed petitions have already been filed with the
12 Secretary of State;

13 2. No more petitions are in circulation; and

14 3. The proponents will not circulate any more petitions.

15 If the Secretary of State receives such a certification from the
16 proponents, the Secretary of State shall begin the counting process.

17 G. When the signed copies of a petition are timely filed, the
18 Secretary of State shall certify to the Supreme Court of the state:

19 1. The total number of signatures counted pursuant to
20 procedures set forth in this title; and

21 2. The total number of votes cast for the state office
22 receiving the highest number of votes cast at the last general
23 election.

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1 The Supreme Court shall make the determination of the numerical
2 sufficiency or insufficiency of the signatures counted by the
3 Secretary of State.

4 H. Upon order of the Supreme Court it shall be the duty of the
5 Secretary of State to forthwith cause to be published, in at least
6 one newspaper of general circulation in the state, a notice of the
7 filing of the signed petitions and the apparent sufficiency or
8 insufficiency thereof and notice that any citizen or citizens of the
9 state may file an objection to the count made by the Secretary of
10 State, by a written notice to the Supreme Court and to the proponent
11 or proponents filing the petition. Any such objection must be filed
12 within ten (10) days after publication and must relate only to the
13 validity or number of the signatures. A copy of the objection to
14 the count shall be filed with the Secretary of State, and notice
15 shall also be given to the Secretary of State.

16 I. The Secretary of State shall deliver the bound volumes of
17 signatures to the Supreme Court.

18 J. Upon the filing of an objection to the count, the Supreme
19 Court shall resolve the objection with dispatch. The Supreme Court
20 shall adopt rules to govern proceedings to apply to the challenge of
21 a measure on the grounds that the proponents failed to gather
22 sufficient signatures.

23 K. If in the opinion of the Supreme Court, any objection to the
24 count or protest to the petition is frivolous, the Court may impose

1 appropriate sanctions, including an award of costs and attorneys
2 fees to either party as the Court deems equitable.

3 L. Whenever reference is made in this act to the Supreme Court,
4 such reference shall include the members of the Supreme Court or any
5 officer constitutionally designated to perform the duties herein
6 prescribed.

7 SECTION 2. It being immediately necessary for the preservation
8 of the public peace, health and safety, an emergency is hereby
9 declared to exist, by reason whereof this act shall take effect and
10 be in full force from and after its passage and approval."

11 Passed the House of Representatives the 31st day of March, 2014.

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Presiding Officer of the House of
Representatives

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Passed the Senate the ____ day of _____, 2014.

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Presiding Officer of the Senate

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1 ENGROSSED SENATE
2 BILL NO. 1315

By: Marlatt of the Senate

3 and

4 Grau of the House

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6 [initiative petitions - petitions filed with
7 Secretary of State - emergency]

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

11 SECTION 3. AMENDATORY 34 O.S. 2011, Section 8, is
12 amended to read as follows:

13 Section 8. A. When a citizen or citizens desire to circulate a
14 petition initiating a proposition of any nature, whether to become a
15 statute law or an amendment to the Constitution, or for the purpose
16 of invoking a referendum upon legislative enactments, such citizen
17 or citizens shall, when such petition is prepared, and before the
18 same is circulated or signed by electors, file a true and exact copy
19 of same in the office of the Secretary of State.

20 B. It shall be the duty of the Secretary of State to cause to
21 be published, in at least one newspaper of general circulation in
22 the state, a notice of such filing and the apparent sufficiency or
23 insufficiency of the petition. Such publication shall include the
24 text of the ballot title as reviewed or, if applicable, as

1 rewritten, by the Attorney General pursuant to the provisions of
2 subsection D of Section 9 of this title, and shall include notice
3 that any citizen or citizens of the state may file a protest as to
4 the constitutionality of the petition, by a written notice to the
5 Supreme Court and to the proponent or proponents filing the
6 petition, or as to the ballot title as provided in Section 10 of
7 this title. Any such protest must be filed within ten (10) days
8 after publication. A copy of the protest shall be filed with the
9 Secretary of State.

10 C. Upon the filing of a protest to the petition, the Supreme
11 Court shall then fix a day, not less than ten (10) days thereafter,
12 at which time it will hear testimony and arguments for and against
13 the sufficiency of such petition.

14 D. A protest filed by anyone hereunder may, if abandoned by the
15 party filing same, be revived within five (5) days by any other
16 citizen. After such hearing the Supreme Court shall decide whether
17 such petition is in the form required by the statutes. If the Court
18 is at the time adjourned, the Chief Justice shall immediately
19 convene the same for such hearing. No objection to the sufficiency
20 shall be considered unless it has been made and filed as herein
21 provided.

22 E. ~~Within~~ If no protest is filed within ten (10) days after
23 publication of notice by the Secretary of State, no more than ninety
24 (90) days after such filing of an initiative petition or

1 ~~determination of the sufficiency of the petition by the Supreme~~
2 ~~Court as provided in this section, whichever is later~~ expiration of
3 the protest period, the signed copies thereof shall be filed with
4 the Secretary of State, ~~but.~~ If a protest is filed, and the Supreme
5 Court determines that the petition is sufficient, the proponents of
6 the petition shall, within ten (10) days of the Court's
7 determination, file with the Secretary of State notice of the date
8 on which circulation of the petition shall begin, which date shall
9 be no more than one hundred eighty (180) days from the date of the
10 notice. No more than ninety (90) days from the date on which
11 circulation of the petition shall begin, the signed copies thereof
12 shall be filed with the Secretary of State. Provided, however, the
13 signed copies of a referendum petition shall be filed with the
14 Secretary of State within ninety (90) days after the adjournment of
15 the Legislature enacting the measure on which the referendum is
16 invoked or determination of the sufficiency of the petition by the
17 Supreme Court as provided in this section, whichever is later. Each
18 elector shall sign his or her legally-registered name, address or
19 post office box, and the name of the county of residence. Any
20 petition not filed in accordance with this provision shall not be
21 considered. The proponents of a referendum or an initiative
22 petition, any time before the final submission of signatures, may
23 withdraw the referendum or initiative petition upon written
24 notification to the Secretary of State.

1 F. The proponents of a referendum or an initiative petition may
2 terminate the circulation period any time during the ninety-day
3 circulation period by certifying to the Secretary of State that:

4 1. All signed petitions have already been filed with the
5 Secretary of State;

6 2. No more petitions are in circulation; and

7 3. The proponents will not circulate any more petitions.

8 If the Secretary of State receives such a certification from the
9 proponents, the Secretary of State shall begin the counting process.

10 G. When the signed copies of a petition are timely filed, the
11 Secretary of State shall certify to the Supreme Court of the state:

12 1. The total number of signatures counted pursuant to
13 procedures set forth in this title; and

14 2. The total number of votes cast for the state office
15 receiving the highest number of votes cast at the last general
16 election.

17 The Supreme Court shall make the determination of the numerical
18 sufficiency or insufficiency of the signatures counted by the
19 Secretary of State.

20 H. Upon order of the Supreme Court it shall be the duty of the
21 Secretary of State to forthwith cause to be published, in at least
22 one newspaper of general circulation in the state, a notice of the
23 filing of the signed petitions and the apparent sufficiency or
24 insufficiency thereof and notice that any citizen or citizens of the

1 state may file an objection to the count made by the Secretary of
2 State, by a written notice to the Supreme Court and to the proponent
3 or proponents filing the petition. Any such objection must be filed
4 within ten (10) days after publication and must relate only to the
5 validity or number of the signatures. A copy of the objection to
6 the count shall be filed with the Secretary of State, and notice
7 shall also be given to the Secretary of State.

8 I. The Secretary of State shall deliver the bound volumes of
9 signatures to the Supreme Court.

10 J. Upon the filing of an objection to the count, the Supreme
11 Court shall resolve the objection with dispatch. The Supreme Court
12 shall adopt rules to govern proceedings to apply to the challenge of
13 a measure on the grounds that the proponents failed to gather
14 sufficient signatures.

15 K. If in the opinion of the Supreme Court, any objection to the
16 count or protest to the petition is frivolous, the Court may impose
17 appropriate sanctions, including an award of costs and attorneys
18 fees to either party as the Court deems equitable.

19 L. Whenever reference is made in this act to the Supreme Court,
20 such reference shall include the members of the Supreme Court or any
21 officer constitutionally designated to perform the duties herein
22 prescribed.

23 SECTION 4. It being immediately necessary for the preservation
24 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

3 Passed the Senate the 6th day of March, 2014.

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Presiding Officer of the Senate

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7 Passed the House of Representatives the ____ day of _____,
8 2014.

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Presiding Officer of the House
of Representatives

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