

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB1315 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Randy Grau _____

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 PROPOSED
4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 1315

By: Grau

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8 PROPOSED COMMITTEE SUBSTITUTE

9 [initiative petitions - petitions filed with
10 Secretary of State -

11 emergency]

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

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

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

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

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

19 D. A protest filed by anyone hereunder may, if abandoned by the
20 party filing same, be revived within five (5) days by any other
21 citizen. After such hearing the Supreme Court shall decide whether
22 such petition is in the form required by the statutes. If the Court
23 is at the time adjourned, the Chief Justice shall immediately
24 convene the same for such hearing. No objection to the sufficiency

1 shall be considered unless it has been made and filed as herein
2 provided.

3 E. ~~Within ninety (90) days after such filing of~~ When an
4 ~~initiative petition or determination of the sufficiency of the~~
5 ~~petition by the Supreme Court as provided in this section, whichever~~
6 ~~is later, the signed copies thereof shall be~~ has been filed with in
7 the office of the Secretary of State, but the signed copies of a
8 referendum petition shall be filed with and all appeals, protests
9 and rehearings have been resolved or the period for such has
10 expired, and the ballot title process is complete, the Secretary of
11 State shall set the date for circulation of signatures for the
12 petition to begin. Notification shall be sent to the proponents
13 specifying the date on which circulation of the petition shall begin
14 and that the signatures are due within ninety (90) days ~~after the~~
15 ~~adjournment of the Legislature enacting the measure on which the~~
16 ~~referendum is invoked or determination of the sufficiency of the~~
17 ~~petition by the Supreme Court as provided in this section, whichever~~
18 ~~is later~~ of the date set. Each elector shall sign his or her
19 legally registered name, address or post office box, and the name of
20 the county of residence. Any petition not filed in accordance with
21 this provision shall not be considered. The proponents of a
22 referendum or an initiative petition, any time before the final
23 submission of signatures, may withdraw the referendum or initiative
24 petition upon written 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 2. 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.

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4 54-2-10579 AMM 03/17/14

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