

1 **SENATE FLOOR VERSION**

2 February 24, 2014

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 1315

By: Marlatt of the Senate

and

6 Grau of the House

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8  
9 [ initiative petitions- petitions filed with  
10 Secretary of State - emergency ]

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12  
13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

23 B. It shall be the duty of the Secretary of State to cause to  
24 be published, in at least one newspaper of general circulation in

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

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

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

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

1 petition, any time before the final submission of signatures, may  
2 withdraw the referendum or initiative petition upon written  
3 notification to the Secretary of State.

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

7 1. All signed petitions have already been filed with the  
8 Secretary of State;

9 2. No more petitions are in circulation; and

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

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

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

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

17 2. The total number of votes cast for the state office  
18 receiving the highest number of votes cast at the last general  
19 election.

20 The Supreme Court shall make the determination of the numerical  
21 sufficiency or insufficiency of the signatures counted by the  
22 Secretary of State.

23 H. Upon order of the Supreme Court it shall be the duty of the  
24 Secretary of State to forthwith cause to be published, in at least

1 one newspaper of general circulation in the state, a notice of the  
2 filing of the signed petitions and the apparent sufficiency or  
3 insufficiency thereof and notice that any citizen or citizens of the  
4 state may file an objection to the count made by the Secretary of  
5 State, by a written notice to the Supreme Court and to the proponent  
6 or proponents filing the petition. Any such objection must be filed  
7 within ten (10) days after publication and must relate only to the  
8 validity or number of the signatures. A copy of the objection to  
9 the count shall be filed with the Secretary of State, and notice  
10 shall also be given to the Secretary of State.

11 I. The Secretary of State shall deliver the bound volumes of  
12 signatures to the Supreme Court.

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

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

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

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

7 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT  
8 February 24, 2014 - DO PASS AS AMENDED  
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