

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 HOUSE JOINT  
4 RESOLUTION 1012

By: Perryman

5  
6 AS INTRODUCED

7  
8 A Joint Resolution directing the Secretary of State  
9 to refer to the people for their approval or  
10 rejection proposed amendments to Sections 11A, 11B,  
11 11C, 11D and 11E of Article V of the Constitution of  
12 the State of Oklahoma; modifying reapportionment  
13 procedure; eliminating reapportionment by the  
14 Legislature or the Bipartisan Commission on  
15 Legislative Reapportionment; abolishing the  
16 Commission; establishing the Reapportionment  
17 Commission; providing for selection; stating duties  
18 and powers; providing for filling of vacancies;  
19 prohibiting members of the Commission from becoming  
20 candidates for certain office for specified period of  
21 time; providing for compensation and travel  
22 reimbursement; providing term of office; providing  
23 for a secretary for the Commission and stating duties  
24 therefor; providing for funding; providing  
requirements for the order of apportionment;  
providing that order becomes effective after  
publication; providing for review of apportionment  
orders; providing duties of the Supreme Court;  
providing ballot title; and directing filing.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE  
1ST SESSION OF THE 54TH OKLAHOMA LEGISLATURE:

SECTION 1. The Secretary of State shall refer to the people for  
their approval or rejection, as and in the manner provided by law,

1 the following proposed amendment to Sections 11A, 11B, 11C, 11D and  
2 11E of Article V of the Constitution of the State of Oklahoma to  
3 read as follows:

4 Section 11A. A. The apportionment of the Legislature and  
5 United States Congressional districts shall be accomplished by the  
6 Legislature Reapportionment Commission established in subsection B  
7 of this section according to the provisions of this article, within  
8 ninety (90) legislative days after the convening of the first  
9 regular session of the Legislature following each Federal Decennial  
10 Census. ~~If the Legislature shall fail or refuse to make such~~  
11 ~~apportionment within the time provided herein, then such~~  
12 ~~apportionment shall be accomplished by the~~ The Bipartisan Commission  
13 on Legislative Apportionment, ~~according to the provisions of this~~  
14 ~~article. The Commission shall be composed of seven (7) members as~~  
15 ~~follows: the Lieutenant Governor, who shall be nonvoting and the~~  
16 ~~chair of the Commission; two members, one republican and one~~  
17 ~~democrat, appointed by the President Pro Tempore of the Senate; two~~  
18 ~~members, one republican and one democrat, appointed by the Speaker~~  
19 ~~of the House of Representatives; and two members, one republican and~~  
20 ~~one democrat, appointed by the Governor~~ is hereby abolished.

21 B. The Reapportionment Commission shall be selected during the  
22 first week of the first regular session of the Legislature following  
23 each Federal Decennial Census and whenever reapportionment is  
24 required by court order. The Commission shall consist of nine (9)

1 members as follows: The Speaker of the House of Representatives and  
2 the President Pro Tempore of the Senate shall each select two  
3 members. The Minority Leaders of each house of the Legislature  
4 shall each select two members. The ninth member shall be selected  
5 by the Commission by majority vote. A vacancy on the Commission  
6 shall be filled by the initial appointing authority within fifteen  
7 (15) days after the vacancy occurs. If a vacancy is not filled  
8 within the required time, the vacancy shall be filled by the Chief  
9 Justice of the Supreme Court. The appointments shall be certified  
10 to the Secretary of State within thirty (30) days of appointment.  
11 The Commission shall act by majority vote of its membership and  
12 shall establish its own procedures, except as provided by law.

13 C. No member of the Reapportionment Commission shall be  
14 eligible to become a candidate for election to either house of the  
15 Legislature or to the United States House of Representatives in  
16 either of the first two elections that are subject to an order of  
17 apportionment approved by the Commission.

18 D. Commission members shall be compensated and reimbursed for  
19 their necessary expenses as provided by law.

20 E. Commission members shall hold office until each order of  
21 apportionment becomes effective or until such time as may be  
22 provided by law.

23 F. The Secretary of the State Election Board shall serve as  
24 secretary to the Commission and shall furnish all necessary

1 personnel and technical service. The secretary shall not be a  
2 voting member of the Commission. The Legislature shall appropriate  
3 funds to enable the Commission to carry out the duties required by  
4 this Article.

5 Section 11B. Each order of apportionment rendered by the  
6 ~~Bipartisan Commission on Legislative Apportionment~~ Reapportionment  
7 Commission shall be in writing and shall be filed with the Secretary  
8 of State and shall be signed by at least ~~four~~ five members of the  
9 Commission. An order of apportionment shall become effective after  
10 publication as provided by law.

11 Section 11C. Any qualified elector may seek a review of any  
12 apportionment order of the Reapportionment Commission, ~~or~~  
13 ~~apportionment law of the legislature~~, within sixty (60) days from  
14 the filing thereof, by filing in the Supreme Court of Oklahoma a  
15 petition which must set forth a proposed apportionment more nearly  
16 in accordance with this Article. Any apportionment of either the  
17 Senate or the House of Representatives, as ordered by the  
18 Commission, ~~or apportionment law of the legislature~~, from which  
19 review is not sought within such time, shall become final. The  
20 ~~court~~ Court shall give all cases involving apportionment precedence  
21 over all other cases and proceedings; and if ~~said court be~~ the Court  
22 is not in session, it shall convene promptly for the disposal of the  
23 same.

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1 Section 11D. Upon review, the Supreme Court shall determine  
2 whether or not the apportionment order of the Reapportionment  
3 ~~Commission or act of the legislature~~ is in compliance with the  
4 formula as set forth in this Article and, if so, it shall require  
5 the same to be filed or refiled as the case may be with the  
6 Secretary of State forthwith, and such apportionment shall become  
7 final on the date of said writ. In the event the Supreme Court  
8 shall determine that the apportionment order of said Commission ~~or~~  
9 ~~legislative act~~ is not in compliance with the formula for either the  
10 Senate or the House of Representatives as set forth in this Article,  
11 it will remand the matter to the Commission with directions to  
12 modify its order to achieve conformity with the provisions of this  
13 Article.

14 Section 11E. The Supreme Court, upon petition of any qualified  
15 elector alleging failure of the Reapportionment Commission to timely  
16 act, is hereby vested with original jurisdiction to compel, and  
17 shall compel, the Commission to make the apportionment as herein  
18 provided. It shall also have exclusive jurisdiction of any review  
19 hereunder. If more than one petition be filed, the ~~court~~ Court  
20 shall consolidate such proceedings for hearing and disposition, and  
21 shall file its opinion and issue its writ within sixty (60) days  
22 from the timely filing of such last petition. In the event any  
23 action filed hereunder shall be abandoned or dismissed, any other  
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1 qualified elector shall be allowed to intervene within ten (10) days  
2 thereof.

3 SECTION 2. The Ballot Title for the proposed Constitutional  
4 amendment as set forth in SECTION 1 of this resolution shall be in  
5 the following form:

6 BALLOT TITLE

7 Legislative Referendum No. \_\_\_\_\_ State Question No. \_\_\_\_\_

8 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

9 This proposal amends the Oklahoma Constitution. It amends  
10 sections of the Constitution that deal with reapportionment of  
11 the State Legislature and United States Congressional districts.  
12 Currently reapportionment is accomplished by the Legislature.  
13 If the Legislature fails to act, reapportionment is done by the  
14 Bipartisan Commission on Apportionment. This amendment would  
15 change how reapportionment is accomplished in Oklahoma. The  
16 Legislature would no longer be in charge of reapportionment.  
17 The amendment would also abolish with the Bipartisan Commission  
18 on Apportionment and replace it with the Reapportionment  
19 Commission. The Reapportionment Commission would have full  
20 authority and the duty to establish the apportionment orders for  
21 each house of the state Legislature and for the state's  
22 Congressional districts. Procedures for review of orders and  
23 compelling that orders be established would not change.

24 SHALL THE PROPOSAL BE APPROVED?

1 FOR THE PROPOSAL - YES \_\_\_\_\_

2 AGAINST THE PROPOSAL - NO \_\_\_\_\_

3 SECTION 3. The Chief Clerk of the House of Representatives,  
4 immediately after the passage of this resolution, shall prepare and  
5 file one copy thereof, including the Ballot Title set forth in  
6 SECTION 2 hereof, with the Secretary of State and one copy with the  
7 Attorney General.

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