

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1452

By: McMullen

6 AS INTRODUCED

7 An Act relating to elections; creating the Oklahoma
8 Voters' Pamphlet Act; providing for short title;
9 directing the State Election Board to prescribe size,
10 format and method of distribution of pamphlet;
11 directing the Board to prepare and print pamphlet;
12 providing for requirements of pamphlet; authorizing
13 inclusion of certain information; providing for
14 statements by a candidate; providing for rejection of
15 certain statements; providing deadline for filing
16 certain information for certain elections; providing
17 for information to be submitted for the pamphlet;
18 providing for certain rules; providing for fees;
19 providing for distribution of pamphlet; providing
20 requirements for printing state measures; providing
21 for filing of arguments; providing disclaimer;
22 providing for codification; and providing an
23 effective date.

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

20 SECTION 1. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 701 of Title 26, unless there is
22 created a duplication in numbering, reads as follows:

23 This act shall be known and may be cited as the "Oklahoma
24 Voters' Pamphlet Act".

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 702 of Title 26, unless there is
3 created a duplication in numbering, reads as follows:

4 The State Election Board shall prescribe the size, format and
5 method of distribution of any state voters' pamphlet, subject to the
6 limits described in the Oklahoma Voters' Pamphlet Act.

7 SECTION 3. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 703 of Title 26, unless there is
9 created a duplication in numbering, reads as follows:

10 A. The State Election Board shall prepare and have printed in
11 the voters' pamphlet for the state primary election, the general
12 election and any special election a statement containing, if
13 applicable:

14 1. Requirements for a citizen to qualify as an elector;

15 2. When an elector is required to register or update a
16 registration; and

17 3. Any other information the State Election Board considers
18 relevant to the conduct of the election.

19 B. The State Election Board shall include a statement on the
20 cover of the voters' pamphlet that the pamphlet may be used to
21 assist electors in voting.

22 C. The State Election Board may include in the voters' pamphlet
23 the following information:
24

1 1. Maps showing the boundaries of senatorial and representative
2 districts;

3 2. Voter registration forms; and

4 3. Elector instructions, including the right of an elector to
5 request a second ballot if the first ballot is spoiled and the right
6 of an elector to seek assistance in marking the ballot.

7 SECTION 4. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 704 of Title 26, unless there is
9 created a duplication in numbering, reads as follows:

10 A. Statements and arguments submitted for inclusion in a
11 voters' pamphlet by a candidate, political party or assembly of
12 electors, or a person supporting or opposing a measure shall consist
13 only of words or numbers.

14 B. The State Election Board shall specify on any instructions
15 for filing a statement, argument or other material in the voters'
16 pamphlet that the statement, argument or material may be excluded.

17 SECTION 5. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 705 of Title 26, unless there is
19 created a duplication in numbering, reads as follows:

20 A. Except as provided in subsection B of this section, the
21 State Election Board shall not print the name or title of a person
22 or the name of an organization in an argument supporting or opposing
23 any measure or a statement of any candidate, political party or
24 assembly of electors filed for inclusion in the voters' pamphlet, if

1 the name or title of the person or the name of the organization is
2 cited as supporting or endorsing the argument or statement.

3 B. The State Election Board may print the name or title of a
4 person or the name of an organization in an argument or statement
5 submitted for inclusion in the voters' pamphlet as supporting or
6 endorsing the argument or statement if:

7 1. Not later than the deadline for filing an argument or
8 statement with the State Election Board, the Board receives a
9 statement stating that the person consents to the use of the name or
10 title of the person or the name of the organization; or

11 2. The name or title of a person or the name of an organization
12 is used with a quotation made by the person or by an authorized
13 person on behalf of an organization, the quotation was disseminated
14 to the public prior to its inclusion in the argument or statement
15 and the quotation is identified by its source and date.

16 SECTION 6. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 706 of Title 26, unless there is
18 created a duplication in numbering, reads as follows:

19 A. The State Election Board shall reject any statement,
20 argument or other matter offered for filing and printing in a
21 voters' pamphlet which:

22 1. Contains any obscene, profane or defamatory language;

23 2. Incites or advocates hatred, abuse or violence toward any
24 person or group; or

1 3. Contains any language which may not legally be circulated
2 through the mails.

3 B. Nothing in the Oklahoma Voters' Pamphlet Act shall make the
4 author of any statement or argument exempt from any civil or
5 criminal action because of any defamatory statements offered for
6 printing or contained in the voters' pamphlet. The persons writing,
7 signing or offering a statement or argument for filing shall be
8 deemed its authors and publishers.

9 C. The State Election Board shall establish a procedure to
10 notify a person who offered a statement, argument or other matter
11 that was rejected pursuant to this section. Subject to voters'
12 pamphlet deadlines, the procedure shall require the State Election
13 Board to:

14 1. Make reasonable attempts to notify the person of the
15 rejection; and

16 2. Allow the person, if notified pursuant to paragraph 1 of
17 this subsection, to revise the statement so that it does not violate
18 the provisions of this section.

19 SECTION 7. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 707 of Title 26, unless there is
21 created a duplication in numbering, reads as follows:

22 A. Not later than the sixty-eighth day before the primary
23 election, any candidate or agent on behalf of the candidate for
24 nomination or election at the primary election to the Office of

1 President or Vice President of the United States, United States
2 Senator, Representative in Congress or any state office may file
3 with the State Election Board a portrait of the candidate and a
4 printed or typewritten statement of the reasons the candidate should
5 be nominated or elected.

6 B. Not later than the seventieth day before the general
7 election, any candidate or agent on behalf of the candidate for
8 election at the general election to the Office of President or Vice
9 President of the United States, United States Senator,
10 Representative in Congress or any state office may file with the
11 State Election Board a portrait of the candidate and a printed or
12 typewritten statement of the reasons the candidate should be
13 elected.

14 C. In the case of a special election to fill a vacancy, the
15 State Election Board shall set the deadline for filing with the
16 State Election Board a portrait of the candidate and a printed or
17 typewritten statement of the reasons the candidate should be
18 nominated or elected.

19 D. A portrait or statement filed under this section shall be
20 accompanied by a telephone or electronic facsimile transmission
21 machine number where the candidate may be contacted.

22 SECTION 8. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 708 of Title 26, unless there is
24 created a duplication in numbering, reads as follows:

1 A. A candidate may not submit for inclusion in the voters'
2 pamphlet a portrait that was taken more than four (4) years before
3 the date the portrait is filed with the State Election Board.

4 B. A portrait submitted for inclusion in the voters' pamphlet
5 shall:

6 1. Be a conventional photograph with a plain background;

7 2. Show the face or the head, neck and shoulders of the
8 candidate; and

9 3. Be prepared and processed for printing as prescribed by the
10 State Election Board.

11 C. A portrait submitted for inclusion in the voters' pamphlet
12 may not:

13 1. Include the hands or anything held in the hands of the
14 candidate;

15 2. Show the candidate wearing a judicial robe, a hat or a
16 military, police or fraternal uniform; and

17 3. Show the uniform or insignia of any organization.

18 D. The State Election Board by rule shall prescribe the size
19 and manner of placement of the portrait printed in the voters'
20 pamphlet, except that the size of a portrait shall not be smaller
21 than one and one-half (1 1/2) inches by one and three-fourths (1
22 3/4) inches. The rule shall apply in the same manner to all
23 candidates for the same nomination or office.
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1 SECTION 9. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 709 of Title 26, unless there is
3 created a duplication in numbering, reads as follows:

4 A. At the time materials are filed, each candidate for
5 nomination or election to any of the following offices shall pay to
6 the State Election Board the following fee for space in the voters'
7 pamphlet:

8 1. President or Vice President of the United States, United
9 States Senator, Representative in Congress or any state office to be
10 voted for in the state at large, One Thousand Dollars (\$1,000.00);
11 and

12 2. State Senator, State Representative or any other office,
13 Three Hundred Dollars (\$300.00).

14 B. The space allotted to each candidate shall be used for
15 materials, including the portrait and statement of reasons the
16 candidate should be nominated or elected. If a portrait is not
17 filed, the statement may cover the entire allotted space. The
18 length of the statement shall not exceed three hundred twenty-five
19 words. All materials submitted by a candidate shall fit within
20 thirty (30) square inches of space. All candidates shall be allowed
21 the same amount of space.

22 SECTION 10. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 710 of Title 26, unless there is
24 created a duplication in numbering, reads as follows:

1 A. Not later than the seventieth day before the general
2 election, the party officers as designated in the organizational
3 documents of any statewide political party or assembly of electors
4 having nominated candidates may file with the State Election Board a
5 printed or typewritten statement of arguments for the success of its
6 principles and election of its candidates on a statewide basis and
7 opposing the principles and candidates of other political parties or
8 organizations on a statewide basis.

9 B. Not later than the seventieth day before the general
10 election, the party officers as designated in the organizational
11 documents of any less-than-statewide political party or assembly of
12 electors having nominated candidates may file with the State
13 Election Board a typewritten statement of arguments for the success
14 of its principles and election of its candidates on a county basis
15 and opposing the principles and candidates of other political
16 parties or organizations on a county basis.

17 C. The size of the statements permitted under this section
18 shall not exceed sixty (60) square inches for any statewide
19 political party or assembly of electors having nominated candidates
20 and thirty (30) square inches for any less-than-statewide political
21 party or assembly of electors having nominated candidates. The fee
22 for a statement filed under this section shall be Six Hundred
23 Dollars (\$600.00) for any statewide political party or assembly of
24 electors having nominated candidates and Three Hundred Dollars

1 (\$300.00) for any less-than-statewide political party or assembly of
2 electors having nominated candidates.

3 SECTION 11. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 711 of Title 26, unless there is
5 created a duplication in numbering, reads as follows:

6 Not later than the twentieth day before a primary election,
7 general election or special election for which a voters' pamphlet
8 has been prepared, the State Election Board shall cause the voters'
9 pamphlet to be mailed to each post-office mailing address in
10 Oklahoma, and shall use any additional means of distribution
11 necessary to make the pamphlet available to electors.

12 SECTION 12. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 712 of Title 26, unless there is
14 created a duplication in numbering, reads as follows:

15 The State Election Board shall have printed in the voters'
16 pamphlet for a general election or any special election a copy of
17 the title and text of each state measure to be submitted to the
18 people at the election for which the pamphlet was prepared. Each
19 measure shall be printed in the pamphlet with:

- 20 1. The number and ballot title of the measure;
- 21 2. The explanatory statement prepared for the measure; and
- 22 3. Arguments relating to the measure and filed with the State
23 Election Board.

1 SECTION 13. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 713 of Title 26, unless there is
3 created a duplication in numbering, reads as follows:

4 A. Not later than the seventieth day before a general election
5 or the sixty-eighth day before a special election held on the date
6 of any primary election at which a state measure is to be voted
7 upon, any person may file with the State Election Board a printed or
8 typewritten argument supporting or opposing the measure.

9 B. A person filing an argument under this section shall pay a
10 fee of Five Hundred Dollars (\$500.00) to the State Election Board
11 when the argument is filed or may submit a petition in a form
12 prescribed by the State Election Board containing the signatures of
13 one thousand electors eligible to vote on the measure. Each person
14 signing the petition shall subscribe to a statement that the person
15 has read and agrees with the argument. The signatures on each
16 petition shall be certified by the State Election Board. The
17 petition shall be filed with the State Election Board.

18 C. The State Election Board by rule shall establish the size
19 and length of arguments permitted. The size and length of an
20 argument may not exceed thirty (30) square inches or three hundred
21 twenty-five words.

22 SECTION 14. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 714 of Title 26, unless there is
24 created a duplication in numbering, reads as follows:

1 The State Election Board shall include in the voters' pamphlet
2 on the page of the printed argument on a measure the name of the
3 person who submitted the argument, the name of the organization the
4 person represents, if any, whether the argument supports or opposes
5 the measure, and a disclaimer in substantially the following form:

6 "The printing of this argument does not constitute an
7 endorsement by the State of Oklahoma, nor does the state warrant the
8 accuracy or truth of any statement made in the argument."

9 SECTION 15. This act shall become effective November 1, 2009.

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