

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 55th Legislature (2015)

4 ENGROSSED SENATE

5 BILL NO. 158

By: Griffin of the Senate

and

Grau of the House

6
7
8
9 [initiative and referendum - petitions - appeals and
10 publication - repealer - effective date]

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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 1, is
15 amended to read as follows:

16 The referendum petition shall be substantially as follows:

17 PETITION FOR REFERENDUM

18 To the Honorable _____, Governor of Oklahoma (or To the
19 Honorable _____, Mayor, Chairman of County Commissioners, or
20 other chief executive officer, as the case may be, of the city,
21 county or other municipal corporation of _____):

22 We, the undersigned legal voters of the State of Oklahoma (or
23 district of _____, county of _____, or city of
24 _____, as the case may be), respectfully order that Senate

(or House) Bill No. _____ (or ordinance No. _____),
entitled (title of Act, and if the petition is against less than the
whole Act, then set forth here the part or parts on which the
referendum is sought), passed by the _____ Legislature of the
State of Oklahoma, at the regular (or special) session of said
legislature, shall be referred to the people of the State (district
of _____, county of _____, or city of _____, as
the case may be) for their approval or rejection at the regular (or
special) election to be held on the _____ day of _____, ~~19~~
20 __, and each for himself says: I have personally signed this
petition; I am a legal voter of the State of Oklahoma (and district
of _____, county of _____, or city of _____, as
the case may be); my residence or post office are correctly written
after my name.

Referendum petitions shall be filed with the Secretary of State
not more than ninety (90) days after the final adjournment of the
session of the legislature which passed the bill on which the
referendum is demanded. (For county, city or other municipality the
length of time shall be thirty (30) days.)

The question we herewith submit to our fellow voters is: Shall
the following bill of the legislature (or ordinance or resolution--
local legislation) be approved? (Insert here an exact copy of the
~~title and~~ text of the measure.)

Name and Address of Proponents (not to exceed three)

1 Name _____ Residence _____ Post Office _____

2 If in city, street and number.

3 (Here follow twenty numbered lines for signatures.)

4 SECTION 2. AMENDATORY 34 O.S. 2011, Section 2, is
5 amended to read as follows:

6 Section 2. The form of initiative petition shall be
7 substantially as follows:

8 INITIATIVE PETITION

9 To the Honorable _____, Governor of Oklahoma (or To the
10 Honorable _____, Mayor, Chairman of County Commissioners,
11 or other chief executive officers, as the case may be, for the city,
12 county or other municipality): We, the undersigned legal voters of
13 the State of Oklahoma (and of the district of _____,
14 county of _____, or city of _____, as the case
15 may be), respectfully order that the following proposed law (or
16 amendment to the constitution, ordinance, or amendment to the city
17 charter, as the case may be) shall be submitted to the legal voters
18 of the State of Oklahoma (or of the district of _____,
19 county of _____, or city of _____, as the case may
20 be) for their approval or rejection at the regular general election
21 (or regular or special city election), to be held on the ____ day
22 of _____, ~~19~~ 20 __, and each for himself says: I have
23 personally signed this petition; I am a legal voter of the State of
24 Oklahoma (and of the district of _____, county of _____

_____, city of _____, as the case may be); my residence or post office are correctly written after my name. The time for filing this petition expires ninety (90) days from (insert date when petition is to be opened for signatures). (This for State initiative. For county, city, or other municipality the length of time shall be ninety (90) days.) The question we herewith submit to our fellow voters is: Shall the following bill (or proposed amendment to the Constitution or resolution) be approved? (Insert here an exact copy of the ~~title and~~ text of the measure.)

Name and Address of Proponents (not to exceed three)

Name _____ Residence _____ Post Office _____

If in the city, street and number.

(Here follow twenty numbered lines for signatures.)

SECTION 3. AMENDATORY 34 O.S. 2011, Section 6, is amended to read as follows:

Section 6. Each sheet of every such petition containing signatures shall be verified on the back thereof, in substantially the following form, by the person who circulated said sheet of said petition, by his or her affidavit thereon and as a part thereof.

State of Oklahoma,)
) ss.
County of _____)

I, _____, being first duly sworn, say: That ~~I am a qualified elector of the State of Oklahoma and that~~ (Here shall be legibly

1 ~~written or typewritten the names of the signers of the sheet),~~
2 ~~signed this sheet of the foregoing petition, and each of them~~ all
3 those who signed this signature sheet signed his or her name thereto
4 in my presence; I believe that each has stated his or her name, ~~post~~
5 ~~office~~ mailing address, and residence correctly, and that each
6 signer is a legal voter of the State of Oklahoma and county of
7 _____ or of the city of _____ (as the case may be). (Signature
8 and ~~post-office~~ mailing address of affiant.)

9 Subscribed and sworn to before me this _____ day of _____ A.D.
10 ~~19~~ 20 ____.

11 (Signature and title of the officer before whom oath is made,
12 and his ~~post-office~~ or her mailing address.)

13 SECTION 4. AMENDATORY 34 O.S. 2011, Section 8, is
14 amended to read as follows:

15 Section 8. A. When a citizen or citizens desire to circulate a
16 petition initiating a proposition of any nature, whether to become a
17 statute law or an amendment to the Constitution, or for the purpose
18 of invoking a referendum upon legislative enactments, such citizen
19 or citizens shall, when such petition is prepared, and before the
20 same is circulated or signed by electors, file a true and exact copy
21 of same in the office of the Secretary of State and shall at the
22 same time file a separate ballot title, which shall not be part of
23 or printed on the petition.
24

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) business
13 days after publication. A copy of the protest shall be filed with
14 the 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) business days
17 thereafter, at which time it will hear testimony and arguments for
18 and against 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) business days by any
21 other citizen. After such hearing the Supreme Court shall decide
22 whether such petition is in the form required by the statutes. If
23 the Court is at the time adjourned, the Chief Justice shall
24 immediately convene the same for such hearing. No objection to the

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

3 E. ~~Within ninety (90) days after such filing of Signature-~~
4 gathering Deadline for Initiative Petitions. When an initiative
5 petition ~~or determination of the sufficiency of the petition by the~~
6 ~~Supreme Court as provided in this section, whichever is later, the~~
7 ~~signed copies thereof shall be~~ has been filed ~~with~~ in the office of
8 the Secretary of State, ~~but the signed copies of a referendum~~
9 ~~petition shall be filed with~~ and all appeals, protests, and
10 rehearings have been resolved or the period for such has expired,
11 the Secretary of State shall set the date for circulation of
12 signatures for the petition to begin, but in no event shall the date
13 be less than fifteen (15) days nor more than thirty (30) days from
14 the date when all appeals, protests, and rehearings have been
15 resolved or have expired. Notification shall be sent to the
16 proponents specifying the date on which circulation of the petition
17 shall begin and that the signatures are due within ninety (90) days
18 ~~after the adjournment of the Legislature enacting the measure on~~
19 ~~which the referendum is invoked or determination of the sufficiency~~
20 ~~of the petition by the Supreme Court as provided in this section,~~
21 ~~whichever is later~~ of the date set. Each elector shall sign his or
22 her legally-registered name, address or post office box, and the
23 name of the county of residence. Any petition not filed in
24 accordance with this provision shall not be considered. The

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

5 F. Signature-gathering Deadline for Referendum Petitions. All
6 signed signatures supporting a referendum petition shall be filed
7 with the Secretary of State not later than ninety (90) days after
8 the adjournment of the legislative session in which the measure,
9 which is the subject of the referendum petition, was enacted.

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

13 1. All signed petitions have already been filed with the
14 Secretary of State;

15 2. No more petitions are in circulation; and

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

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

19 ~~G.~~ H. When the signed copies of a petition are timely filed,
20 the Secretary of State shall file a copy of the proponent's ballot
21 title with the Attorney General, and after conducting a count of the
22 filed, signed petition, the Secretary of State shall certify to the
23 Supreme Court of the state:
24

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

3 2. The total number of votes cast for the state office
4 receiving the highest number of votes cast at the last general
5 election.

6 The Supreme Court shall make the determination of the numerical
7 sufficiency or insufficiency of the signatures counted by the
8 Secretary of State.

9 ~~H.~~ I. Upon order of the Supreme Court it shall be the duty of
10 the Secretary of State to forthwith cause to be published, in at
11 least one newspaper of general circulation in the state, a notice of
12 the filing of the signed petitions and the apparent sufficiency or
13 insufficiency thereof, and shall also publish the text of the ballot
14 title as reviewed and approved or, if applicable, as rewritten by
15 the Attorney General pursuant to the provisions of subsection D of
16 Section 9 of this title and notice that any citizen or citizens of
17 the state may file an objection to the count made by the Secretary
18 of State, by a written notice to the Supreme Court and to the
19 proponent or proponents filing the petition. Any such objection
20 must be filed within ten (10) business days after publication and
21 must relate only to the validity or number of the signatures or a
22 challenge to the ballot title. A copy of the objection to the count
23 or ballot title shall be filed with the Supreme Court, the Attorney
24

1 General, and the Secretary of State, ~~and notice shall also be given~~
2 ~~to the Secretary of State.~~

3 ~~I.~~ J. The Secretary of State shall deliver the bound volumes of
4 signatures to the Supreme Court.

5 ~~J.~~ K. Upon the filing of an objection to the signature count or
6 ballot title, the Supreme Court shall resolve the objection with
7 dispatch. The Supreme Court shall adopt rules to govern proceedings
8 to apply to the challenge of a measure on the grounds that the
9 proponents failed to gather sufficient signatures.

10 ~~K.~~ L. If in the opinion of the Supreme Court, any objection to
11 the count or protest to the petition is frivolous, the Court may
12 impose appropriate sanctions, including an award of costs and
13 attorneys fees to either party as the Court deems equitable.

14 ~~L.~~ M. Whenever reference is made in this act to the Supreme
15 Court, such reference shall include the members of the Supreme Court
16 or any officer constitutionally designated to perform the duties
17 herein prescribed.

18 SECTION 5. AMENDATORY 34 O.S. 2011, Section 9, is
19 amended to read as follows:

20 Section 9. A. When a referendum is ordered by petition of the
21 people against any measure passed by the Legislature or when any
22 measure is proposed by initiative petition, whether as an amendment
23 to the Constitution or as a statute, it shall be the duty of the
24 parties submitting the measure to prepare and file one copy of the

1 measure with the Secretary of State and one copy with the Attorney
2 General.

3 B. The parties submitting the measure shall also submit a
4 suggested ballot title to the Secretary of State which shall be
5 filed on a separate sheet of paper and shall not be ~~deemed~~ part of
6 or printed on the petition. The suggested ballot title:

7 1. Shall not exceed two hundred (200) words;

8 2. Shall explain in basic words, which can be easily found in
9 dictionaries of general usage, the effect of the proposition;

10 3. Shall not contain any words which have a special meaning for
11 a particular profession or trade not commonly known to the citizens
12 of this state;

13 4. Shall not reflect partiality in its composition or contain
14 any argument for or against the measure;

15 5. Shall contain language which clearly states that a "yes"
16 vote is a vote in favor of the proposition and a "no" vote is a vote
17 against the proposition; and

18 6. Shall not contain language whereby a "yes" vote is, in fact,
19 a vote against the proposition and a "no" vote is, in fact, a vote
20 in favor of the proposition.

21 C. When a measure is proposed as a constitutional amendment by
22 the Legislature or when the Legislature proposes a statute
23 conditioned upon approval by the people:
24

1 1. After final passage of a measure, the Secretary of State
2 shall submit the proposed ballot title to the Attorney General for
3 review as to legal correctness. Within five (5) business days after
4 receipt from the Secretary of State, the Attorney General shall, in
5 writing, notify the Secretary of State, the President Pro Tempore of
6 the Senate, the Speaker of the House of Representatives and the
7 principal authors of the bill whether or not the proposed ballot
8 title complies with applicable laws. The Attorney General shall
9 state with specificity any and all defects found and, if necessary,
10 within ten (10) business days of determining that the proposed
11 ballot title is defective, prepare a preliminary ballot title which
12 complies with the law and furnish a copy of such ballot title to the
13 Secretary of State, the President Pro Tempore of the Senate, the
14 Speaker of the House of Representatives and the principal authors of
15 the bill. The Attorney General may consider any comments made by
16 the President Pro Tempore of the Senate or the Speaker of the House
17 of Representatives ~~and~~ submitted within five (5) business days of
18 their being furnished a copy of the preliminary ballot title. The
19 Attorney General shall respond in writing to the comments and shall
20 file a final ballot title with the Secretary of State ~~no sooner than~~
21 ~~ten (10) business days and~~ no later than fifteen (15) business days
22 after furnishing the preliminary ballot title; and

23 2. After receipt of the measure and the official ballot title,
24 as certified by the Attorney General, the Secretary of State shall

1 within five (5) days transmit to the Secretary of the State Election
2 Board an attested copy of the measure, including the official ballot
3 title.

4 D. The following procedure shall apply to ballot titles of
5 referendums ordered by a petition of the people or any measure
6 proposed by an initiative petition:

7 1. After the filing of the ~~petition and prior to the gathering~~
8 ~~of signatures thereon~~ signed referendum petitions or the signed
9 initiative petitions, the Secretary of State shall submit the
10 proposed separate ballot title to the Attorney General for review as
11 to legal correctness. Within five (5) business days after the
12 ~~filing of the measure and~~ receipt of the ballot title, the Attorney
13 General shall, in writing, notify the Secretary of State whether or
14 not the proposed ballot title complies with applicable laws. The
15 Attorney General shall state with specificity any and all defects
16 found and, if necessary, within ten (10) business days of
17 determining that the proposed ballot title is defective, prepare and
18 file a ballot title which complies with the law; and

19 2. Within ten (10) business days after ~~completion of the review~~
20 ~~by the Attorney General~~ publication of the notice required by
21 subsection I of Section 8 of this title, the Secretary of State
22 shall, if no appeal is filed, transmit to the Secretary of the State
23 Election Board an attested copy of the measure, including the
24 official ballot title, and a certification that the requirements of

1 this section have been met. If an appeal is taken from such ballot
2 title within the time specified in Section 10 of this title, then
3 the Secretary of State shall certify to the Secretary of the State
4 Election Board the ballot title which is finally approved by the
5 Supreme Court.

6 SECTION 6. AMENDATORY 34 O.S. 2011, Section 10, is
7 amended to read as follows:

8 Section 10. A. Any person who is dissatisfied with the wording
9 of a ballot title may, within ten (10) business days after the same
10 is published by the Secretary of State as provided for in subsection
11 ~~B~~ I of Section 8 of this title, appeal to the Supreme Court by
12 petition in which shall be offered a substitute ballot title for the
13 one from which the appeal is taken. Upon the hearing of such
14 appeal, the court may correct or amend the ballot title before the
15 court, or accept the substitute suggested, or may draft a new one
16 which will conform to the provisions of Section 9 of this title.

17 B. No such appeal shall be allowed as to the ballot title of
18 constitutional and legislative enactments proposed by the
19 Legislature.

20 SECTION 7. AMENDATORY 34 O.S. 2011, Section 11, is
21 amended to read as follows:

22 Section 11. Notice of the appeal provided for in the preceding
23 section shall be served upon the Attorney General and upon the party
24 who filed such ballot title, or on any of such parties, at least

1 five (5) business days before such appeal is heard by the court.

2 The Attorney General shall, and any citizen interested may, defend
3 the ballot title from which the appeal is taken. Other procedure
4 upon such appeals shall be the same as is prescribed for appeals
5 from petitions filed as set forth in Section 8 of this title.

6 SECTION 8. AMENDATORY 34 O.S. 2011, Section 17, is
7 amended to read as follows:

8 Section 17. It shall be the duty of the Secretary of State, not
9 less than five (5) business days before any election held throughout
10 the state at which any proposed law, part of an act, or amendment to
11 the constitution is to be submitted to the people of the state for
12 their approval or rejection, to cause to be published once in two
13 different newspapers of general statewide circulation and in a
14 newspaper of general circulation in each county, a copy of all
15 ballots on initiated and referred questions, measures, and
16 constitutional amendments, and an explanation of how to vote for or
17 against propositions. The Secretary of State shall designate the
18 newspapers in which the publication shall be made. The publication
19 shall be paid for at the legal rate for other publications, out of
20 any funds of the state appropriated therefor.

21 SECTION 9. REPEALER 34 O.S. 2011, Section 3.1, is hereby
22 repealed.

SECTION 10. This act shall become effective November 1, 2015.

COMMITTEE REPORT BY: COMMITTEE ON ELECTIONS AND ETHICS, dated
04/08/2015 - DO PASS, As Amended.