

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

SENATE BILL 158

By: Griffin

AS INTRODUCED

An Act relating to initiative and referendum petitions; amending 34 O.S. 2011, Section 8, which relates to petitions procedures; defining term; modifying procedures for circulation of petitions for signatures; stating time periods; requiring certain notifications; and declaring an emergency.

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

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

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

B. It shall be the duty of the Secretary of State to cause to be published, in at least one newspaper of general circulation in the state, a notice of such filing and the apparent sufficiency or

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

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

16 D. A protest filed by anyone hereunder may, if abandoned by the
17 party filing same, be revived within five (5) days by any other
18 citizen. As used in this section, the term "proponents" of a
19 petition shall mean the citizen or citizens originally filing such
20 with the office of the Secretary of State or a person reviving a
21 petition pursuant to the provisions of this subsection. After such
22 hearing the Supreme Court shall decide whether such petition is in
23 the form required by the statutes. If the Court is at the time
24 adjourned, the Chief Justice shall immediately convene the same for

1 such hearing. No objection to the sufficiency shall be considered
2 unless it has been made and filed as herein provided.

3 E. ~~Within ninety (90) days after such filing of~~ 1. 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 protests have been
9 resolved or the period for such has expired and the ballot title
10 process is complete, the Secretary of State shall set the date on
11 which circulation of the initiative petition for signatures may
12 begin. The date shall be not less than three (3) days or more than
13 ten (10) days from the date when all protests have been resolved or
14 the period for filing a protest has expired. Signatures shall be
15 due within ninety (90) days of the date on which circulation of the
16 initiative petition for signatures may begin.

17 2. When a referendum petition upon a legislative enactment has
18 been filed in the office of the Secretary of State and all protests
19 have been resolved or the period for such has expired and the ballot
20 title process is complete, the Secretary of State shall set the date
21 on which circulation of the referendum petition for signatures may
22 begin. The date shall be not less than three (3) days or more than
23 ten (10) days from the date when all protests have been resolved or
24 the period for filing a protest has expired. The signatures are due

1 within ninety (90) days after the date of sine die adjournment of
2 the Legislature enacting the measure on which the referendum is
3 invoked or ~~determination of the sufficiency of the petition by the~~
4 ~~Supreme Court as provided in this section~~ the date on which
5 circulation of the referendum petition for signatures may begin,
6 whichever is later.

7 3. The Secretary of State shall notify the proponents of an
8 initiative or referendum petition of the dates on which circulation
9 of petitions for signatures may begin and when such signatures are
10 due. Such notifications shall also be posted on the website of the
11 office of the Secretary of State.

12 4. Each elector shall sign his or her legally registered name,
13 address or post office box, and the name of the county of residence.

14 5. Any petition not filed in accordance with this provision
15 shall not be considered.

16 6. The proponents of a referendum or an initiative petition,
17 any time before the final submission of signatures, may withdraw the
18 referendum or initiative petition upon written notification to the
19 Secretary of State.

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

23 1. All signed petitions have already been filed with the
24 Secretary of State;

1 2. No more petitions are in circulation; and

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

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

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

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

9 2. The total number of votes cast for the state office
10 receiving the highest number of votes cast at the last general
11 election.

12 The Supreme Court shall make the determination of the numerical
13 sufficiency or insufficiency of the signatures counted by the
14 Secretary of State.

15 H. Upon order of the Supreme Court it shall be the duty of the
16 Secretary of State to forthwith cause to be published, in at least
17 one newspaper of general circulation in the state, a notice of the
18 filing of the signed petitions and the apparent sufficiency or
19 insufficiency thereof and notice that any citizen or citizens of the
20 state may file an objection to the count made by the Secretary of
21 State, by a written notice to the Supreme Court and to the proponent
22 or proponents filing the petition. Any such objection must be filed
23 within ten (10) days after publication and must relate only to the
24 validity or number of the signatures. A copy of the objection to

1 the count shall be filed with the Secretary of State, and notice
2 shall also be given to the Secretary of State.

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

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

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

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

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

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