

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

HOUSE JOINT
RESOLUTION 1008

By: Lockhart

AS INTRODUCED

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection proposed amendments to Sections 11A, 11B, 11C, 11D and 11E of Article V of the Constitution of the State of Oklahoma; changing procedure for apportionment of the Legislature; modifying composition and appointment procedures for the Commission on Legislative Apportionment; modifying duties of the Commission; providing ballot title; and directing filing.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE
1ST SESSION OF THE 55TH 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, the following proposed amendments to Sections 11A, 11B, 11C, 11D and 11E of Article V of the Constitution of the State of Oklahoma to read as follows:

Section 11A. The apportionment of the Legislature shall be accomplished by the ~~Legislature~~ Bipartisan Commission on Legislative Apportionment appointed by the Chief Justice of the Supreme Court

1 according to the provisions of this article, within ninety (90)
2 legislative days after the convening of the first regular session of
3 the Legislature following each Federal Decennial Census. If the
4 ~~Legislature Commission~~ shall fail or refuse to make such
5 apportionment within the time provided herein, then the Commission
6 shall be dissolved and a new Bipartisan Commission on Legislative
7 Apportionment shall be appointed by the Chief Justice and such
8 apportionment shall be accomplished by the newly appointed
9 Bipartisan Commission on Legislative Apportionment, according to the
10 provisions of this article. The Commission shall be composed of
11 ~~seven (7) members as follows: the Lieutenant Governor, who shall be~~
12 ~~nonvoting and the chair of the Commission; two members, one~~
13 ~~republican and one democrat, appointed by the President Pro Tempore~~
14 ~~of the Senate; two members, one republican and one democrat,~~
15 ~~appointed by the Speaker of the House of Representatives; and two~~
16 ~~members, one republican and one democrat, appointed by the Governor~~
17 as many members as the Chief Justice deems necessary; provided, no
18 political party shall have more appointments than another political
19 party.

20 Section 11B. Each order of apportionment rendered by the
21 Bipartisan Commission on Legislative Apportionment shall be in
22 writing and shall be filed with the Secretary of State and the
23 Supreme Court and shall be signed by at least ~~four~~ a majority of the
24 members of the Commission.

1 Section 11C. Any qualified elector may seek a review of any
2 apportionment order of the Commission, ~~or apportionment law of the~~
3 ~~legislature,~~ within sixty days from the filing thereof, by filing in
4 the Supreme Court of Oklahoma a petition which must set forth a
5 proposed apportionment more nearly in accordance with this Article.
6 Any apportionment of either the Senate or the House of
7 Representatives, ~~as ordered by the Commission, or apportionment law~~
8 ~~of the legislature,~~ from which review is not sought within such
9 time, shall become final. The court shall give all cases involving
10 apportionment precedence over all other cases and proceedings; and
11 if said court be not in session, it shall convene promptly for the
12 disposal of the same.

13 Section 11D. Upon review, the Supreme Court shall determine
14 whether or not the apportionment order of the Commission ~~or act of~~
15 ~~the legislature~~ is in compliance with the formula as set forth in
16 this Article and, if so, it shall require the same to be filed or
17 refiled as the case may be with the Secretary of State forthwith,
18 and such apportionment shall become final on the date of said writ.
19 In the event the Supreme Court shall determine that the
20 apportionment order of said Commission ~~or legislative act~~ is not in
21 compliance with ~~the~~ a formula for either the Senate or the House of
22 Representatives ~~as set forth in this Article~~ that is based primarily
23 on population with each district containing the same population as
24 near as practicable, it will remand the matter to the Commission

1 with directions to modify its order to achieve conformity with the
2 provisions of this Article.

3 Section 11E. The Supreme Court, upon petition of any qualified
4 elector alleging failure of the Bipartisan Commission on Legislative
5 Apportionment to timely act, is hereby vested with original
6 jurisdiction to compel, and shall compel, the Commission to make the
7 apportionment as herein provided. It shall also have exclusive
8 jurisdiction of any review hereunder. If more than one petition be
9 filed, the court shall consolidate such proceedings for hearing and
10 disposition, and shall file its opinion and issue its writ within
11 sixty days from the timely filing of such last petition. In the
12 event any action filed hereunder shall be abandoned or dismissed,
13 any other qualified elector shall be allowed to intervene within ten
14 days thereof.

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

18 BALLOT TITLE

19 Legislative Referendum No. _____ State Question No. _____

20 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

21 This measure amends the State Constitution. It changes the way
22 the Legislature is apportioned each ten years. Currently, the
23 Legislature provides by law for the apportionment and drawing up
24 of legislative districts. The amendment would provide that this

1 function would be accomplished by the Bipartisan Commission on
2 Legislative Apportionment. The Commission would be selected by
3 the Chief Justice of the Supreme Court. If the Commission fails
4 to perform its duty within a certain time, the Chief Justice
5 would appoint a new Commission.

6 SHALL THE PROPOSAL BE APPROVED?

7 FOR THE PROPOSAL — YES _____

8 AGAINST THE PROPOSAL — NO _____

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

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