

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

HOUSE JOINT
RESOLUTION 1020

By: Banz

AS INTRODUCED

A Joint Resolution calling a Constitutional Convention to alter, revise, or amend the present Constitution of the State of Oklahoma or to propose a new Constitution; fixing the time and place thereof; providing for selection of delegates to the Convention; providing requirements and restrictions for eligibility; creating a Constitutional Convention Commission; stating purpose; providing for composition; providing for election of officers and organization of the Constitutional Convention; providing oath of office; providing for recall and penalty for violation of oath; providing for employment of staff; providing for rules of procedure; prohibiting consideration of certain provisions of the Constitution; providing for working draft to be considered by the Constitutional Convention; providing voting requirements for certain actions; providing for compensation of delegates; providing for payment of expenses of the Convention; providing for submission of constitutional changes to the voters of the state; providing for submission of this joint resolution to a vote of the people; providing ballot title; and directing filing.

WHEREAS, Section 2 of Article XXIV of the Oklahoma Constitution requires that a proposal to hold a Constitutional Convention shall be submitted to a vote of the people at least once every twenty (20) years; and

1 WHEREAS, the last proposal providing for a Constitutional
2 Convention was submitted to a vote of the people March 17, 1970; and

3 WHEREAS, a State Question to eliminate the requirement that a
4 Constitutional Convention proposal be submitted to the people every
5 twenty (20) years was defeated at the General Election held November
6 8, 1994; and

7 WHEREAS, the original Constitutional Convention was comprised of
8 one hundred twelve members, with fifty-five delegates from Indian
9 Territory, fifty-five delegates from Oklahoma Territory, and two
10 members from Osage tribal land; and

11 WHEREAS, it is incumbent upon the Legislature to enact a law
12 providing for a Constitutional Convention and to submit said law to
13 a vote of the people; and

14 WHEREAS, in accordance with court decisions and Attorney General
15 opinions, it is necessary that said law provide the organization of
16 the Convention and the procedure to be followed by the Convention
17 and that said law be signed by the Governor.

18 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES
19 AND THE SENATE OF THE 1ST SESSION OF THE 55TH OKLAHOMA LEGISLATURE:

20 SECTION 1. There is hereby called a Constitutional Convention
21 for the purpose of altering, revising, or amending the current
22 Constitution, or to propose a new Constitution for the State of
23 Oklahoma, to be submitted to the people for their approval or
24 rejection.

1 SECTION 2. The Constitutional Convention shall convene at
2 twelve o'clock noon, July 10, 2017, in Oklahoma City at the State
3 Capitol.

4 SECTION 3. A. Delegates shall be chosen as follows:

5 1. There shall be seventy-six delegates selected from the
6 Legislature: fifty-two delegates shall be members of the House of
7 Representatives, twenty-six of whom shall be Democrats and twenty-
8 six of whom shall be Republicans and twenty-four delegates shall be
9 members of the Senate, twelve of whom shall be Democrats and twelve
10 of whom shall be Republicans. Thirteen of the members from the
11 House of Representatives who are Republicans and thirteen of the
12 members from the House of Representatives who are Democrats shall
13 reside west of Interstate Highway 35 (I-35) and thirteen of the
14 members from the House of Representatives who are Republicans and
15 thirteen of the members from the House of Representatives who are
16 Democrats shall reside east of I-35. Six of the members from the
17 Senate who are Republicans and six of the members from the Senate
18 who are Democrats shall reside west of I-35 and six of the members
19 of the Senate who are Republicans and six of the members from the
20 Senate who are Democrats shall reside east of I-35. For purposes of
21 this paragraph, if I-35 passes through the district of a legislator,
22 the entire district shall be considered to be west of I-35;

23 2. Fourteen delegates shall be selected by lot pursuant to
24 subsection E of this section from the Executive Department of

1 government agencies, boards and commissions within this state;
2 provided, none shall be statewide elected officials. Seven of the
3 Executive Department delegates shall reside west of Interstate
4 Highway 35 (I-35) and seven of the Executive Department delegates
5 shall reside east of I-35. For purposes of this paragraph, if I-35
6 passes through a county, other than Payne County, the entire county
7 shall be considered to be west of I-35;

8 3. Six delegates shall be selected by lot pursuant to
9 subsection E of this section from the Judicial Department of
10 government within this state; provided, none shall be justices or
11 judges subject to statewide retention ballot. Three of the judicial
12 delegates shall reside west of Interstate Highway 35 (I-35) and
13 three of the judicial delegates shall reside east of I-35. For
14 purposes of this paragraph, if I-35 passes through a county, other
15 than Payne County, the entire county shall be considered to be west
16 of I-35; and

17 4. Sixteen delegates from the public at large shall be selected
18 by lot, pursuant to subsection E of this section. No at-large
19 delegate shall be a statewide elected official. Seven of the at-
20 large delegates shall reside west of Interstate Highway 35 (I-35),
21 seven of the at-large delegates shall reside east of I-35, and two
22 of the at-large delegates shall be from Osage tribal land. Two of
23 the at-large delegates shall be student body presidents from the two
24 comprehensive state universities; provided, if such person is unable

1 or ineligible to serve in this capacity, a student shall be selected
2 by the president of the university to serve as a delegate. The
3 delegate from the University of Oklahoma shall be one of the seven
4 delegates from west of I-35 and the delegate from Oklahoma State
5 University shall be one of the seven delegates from east of I-35.
6 For purposes of this paragraph, if I-35 passes through a county,
7 other than Payne County, the entire county shall be considered to be
8 west of I-35.

9 B. An individual shall be eligible to serve as a delegate if
10 the individual is at least twenty-one (21) years of age and is a
11 qualified elector.

12 C. Except as provided in paragraph 5 of subsection E of this
13 section, an individual shall be eligible for consideration for
14 selection as a delegate pursuant to only one of the categories
15 provided for in subsection A of this section.

16 D. No member of Congress from this state or person holding any
17 other federal office shall be eligible to be a delegate.

18 E. Delegates selected by lot shall be chosen pursuant to the
19 following procedure:

20 1. Members of the House of Representatives who wish to serve as
21 delegates to the Constitutional Convention shall submit their names
22 to the Speaker of the House of Representatives. From the list of
23 names submitted, the Speaker of the House shall select two delegates
24 and the Minority Leader of the House shall select two delegates.

1 Names shall be drawn by lot according to procedures established by
2 the Constitutional Convention Commission to select the remainder of
3 the delegates from the House of Representatives. If an insufficient
4 number of Representatives meeting the qualifications required by
5 paragraph 1 of subsection A of this section submit their names for
6 consideration, the Constitutional Convention Commission shall
7 provide for selection of the balance of membership from the
8 membership of the House of Representatives or former members of the
9 House of Representatives, subject to the qualifications provided for
10 in paragraph 1 of subsection A of this section;

11 2. Members of the Senate who wish to serve as delegates to the
12 Constitutional Convention shall submit their names to the President
13 Pro Tempore of the Senate. From the list of names submitted, the
14 President Pro Tempore of the Senate shall select two delegates and
15 the Minority Leader of the Senate shall select two delegates. Names
16 shall be drawn by lot according to procedures established by the
17 Constitutional Convention Commission to select the remainder of the
18 delegates from the Senate. If an insufficient number of Senators
19 meeting the qualifications required by paragraph 1 of subsection A
20 of this section submit their names for consideration, the
21 Constitutional Convention Commission shall provide for selection of
22 the balance of membership from the membership of the Senate or
23 former members of the Senate, subject to the qualifications provided
24 for in paragraph 1 of subsection A of this section;

1 3. Members of Executive Department agencies, boards and
2 commissions who wish to serve as delegates to the Constitutional
3 Convention shall submit their names to the Governor. Names shall be
4 drawn by lot according to procedures established by the
5 Constitutional Convention Commission. If an insufficient number of
6 individuals from the Executive Department of government meeting the
7 qualifications required by paragraph 2 of subsection A of this
8 section submit their names for consideration, the Constitutional
9 Convention Commission shall provide for selection of the balance of
10 membership from within the Executive Department or from former
11 officers or employees from the Executive Department;

12 4. Members of the Judicial Department who wish to serve as
13 delegates to the Constitutional Convention shall submit their names
14 to the Chief Justice of the Oklahoma Supreme Court. Names shall be
15 drawn by lot according to procedures established by the
16 Constitutional Convention Commission. If an insufficient number of
17 individuals from the Judicial Department of government meeting the
18 qualifications required by paragraph 3 of subsection A of this
19 section submit their names for consideration, the Constitutional
20 Convention Commission shall provide for selection of the balance of
21 membership from within the Judicial Department or from former
22 justices or judges from the Judicial Department; and

23 5. Members of the public at large shall submit their names to
24 the Lieutenant Governor. Names shall be drawn by lot according to

1 procedures established by the Constitutional Convention Commission.
2 If an insufficient number of individuals meeting the qualifications
3 of paragraph 4 of subsection A of this section submit their names
4 for consideration, the Constitutional Convention Commission shall
5 provide for selection of the balance of membership from persons who
6 have submitted their names pursuant to paragraphs 1 through 4 of
7 this subsection.

8 F. Persons wishing to serve as delegates shall submit their
9 applications by February 1, 2017. By February 16, 2017, the persons
10 to whom the applications have been submitted shall forward the
11 applications to the Constitutional Convention Commission. Delegates
12 shall be selected by March 1, 2017.

13 G. There is hereby created a Constitutional Convention
14 Commission. The purpose of the Commission is to develop the form to
15 be used for application to serve as a delegate, establish the
16 procedure for drawing names by lot, supervise the selection process
17 for delegates to the Constitutional Convention, and provide lists of
18 alternates to serve in case of a vacancy. The Constitutional
19 Convention Commission shall be composed of the Governor or a
20 designee, the Chief Justice of the Supreme Court or a designee, the
21 Speaker of the House of Representatives or a designee, the President
22 Pro Tempore of the Senate or a designee, a member of the House of
23 Representatives appointed by the Speaker of the House of
24 Representatives, and a member of the Senate appointed by the

1 President Pro Tempore of the Senate. The members appointed by the
2 Speaker of the House of Representatives and the President Pro
3 Tempore of the Senate shall serve as cochairs of the Commission.
4 The Commission shall conduct public hearings prior to the delegate
5 selection process to gather input from the public for issues to be
6 addressed by the Constitutional Convention.

7 SECTION 4. A. The Secretary of State shall call the
8 Constitutional Convention to order and preside until one of the
9 delegates is chosen President of the Constitutional Convention by
10 vote of the Convention.

11 B. Prior to the selection of a President, the delegates shall
12 take the following oath to support the Constitution of the United
13 States and to faithfully discharge their duties as delegates:

14 "I do solemnly swear or affirm that to the best of my abilities,
15 I will, as a delegate to the State Constitutional Convention, uphold
16 the Constitution and laws of the United States of America and the
17 State of Oklahoma. I will not vote to allow consideration of or to
18 approve any unauthorized amendment proposed for ratification to the
19 Oklahoma Constitution."

20 Any delegate who violates the oath contained in this subsection,
21 shall be recalled and replaced by the appointing authority and, upon
22 conviction, shall be guilty of a misdemeanor.

23 C. The Convention may employ staff necessary to assist the
24 delegates in performing their duties.

1 D. After choosing a President, the Convention shall organize
2 itself and select such other officers as it deems necessary.

3 E. The Convention may establish rules for the Convention. Any
4 parliamentary question not provided for by the Oklahoma Constitution
5 or the rules of the Constitutional Convention shall be governed by
6 Mason's Manual of Legislative Procedure.

7 F. A simple majority of the delegates shall constitute a quorum
8 to transact business. A simple majority of the delegates shall be
9 necessary for the adoption of any measure.

10 G. No article or section of the Constitution that has been
11 added, altered or revised pursuant to the initiative petition
12 process or the legislative referendum process shall be repealed,
13 altered, or revised by the Constitutional Convention.

14 H. The original Constitution and all amendments added by the
15 initiative petition process or the legislative referendum process by
16 July 10, 2017, shall be the working draft for consideration by the
17 Constitutional Convention. No article of the Constitution shall be
18 reviewed by the Convention for possible alterations, revisions, or
19 amendments, unless the motion to do so receives the approval of two-
20 thirds (2/3) of the delegates. Thereafter, any proposed alteration,
21 revision, or amendment to an article shall require a simple majority
22 for adoption. To reverse any previous action taken by the
23 Convention pertaining to an alteration, revision or amendment, two-
24 thirds (2/3) of the delegates must approve the motion.

1 SECTION 5. The Constitutional Convention shall adjourn sine die
2 no later than June 30, 2018.

3 SECTION 6. The delegates to the Constitutional Convention shall
4 receive no compensation but shall receive reimbursement for mileage
5 and per diem as provided in the State Travel Reimbursement Act for
6 the time that the Constitutional Convention is in session up to a
7 maximum of ninety (90) days.

8 SECTION 7. All expenses incurred by the Constitutional
9 Convention acting within the scope of authority as provided for in
10 this resolution and all expenses of holding the election for
11 adoption or rejection of any alteration, revision, or amendment of
12 the current Constitution or proposed new Constitution shall be paid
13 for by the state; and it is made the express duty of the Legislature
14 to provide for payment of the expenses.

15 SECTION 8. The delegates shall be subject to all rules and
16 regulations promulgated by the Ethics Commission and all state and
17 federal laws to which legislators are subject.

18 SECTION 9. Any alteration, revision, or amendment of the
19 current Constitution or new Constitution proposed by the
20 Constitutional Convention shall be submitted to the electors of the
21 state for adoption or rejection at the General Election to be held
22 in 2016.
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1 SECTION 10. After approval by the Governor, this resolution
2 shall be submitted to the people by the Secretary of State for their
3 approval or rejection at the next General Election.

4 SECTION 11. The Ballot Title for the proposed question to be
5 put before the people as provided herein shall be in the following
6 form:

7 BALLOT TITLE

8 Legislative Referendum No. _____ State Question No. _____

9 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

10 This measure calls a state Constitutional Convention. It would
11 begin on July 10, 2017. It would end by June 30, 2018. It
12 would review the State Constitution. It could alter, amend, or
13 revise the Constitution. It could propose a new State
14 Constitution. There would be one hundred twelve delegates.
15 Seventy-six delegates would be from the State Legislature.
16 Fourteen delegates would be from the Executive Department. They
17 would be from agencies, boards and commissions. Six delegates
18 would be judges. Sixteen members would be from the public at
19 large. Most delegates would be picked by lot. A few delegates
20 would be selected by leadership of the Legislature. Delegates
21 would be paid for travel expenses for each day that the
22 Convention meets. Payment is limited. Delegates can be paid
23 for no more than ninety days. Any change in the Constitution or
24

1 new Constitution must be presented for approval to state voters.
2 This would happen at the General Election in 2018.

3 SHALL THE PROPOSAL BE APPROVED?

4 FOR THE PROPOSAL — YES _____

5 AGAINST THE PROPOSAL — NO _____

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

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