

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE JOINT
4 RESOLUTION 26

By: Loveless

5
6 AS INTRODUCED

7 A Joint Resolution calling a Constitutional
8 Convention to alter, revise or amend the present
9 Constitution of the State of Oklahoma or to propose a
10 new Constitution; fixing the time and place thereof;
11 providing for selection of delegates to the
12 Convention; providing requirements and restrictions
13 for eligibility; creating a Constitutional Convention
14 Commission; stating purpose; providing for
15 composition; providing for election of officers and
16 organization of the Constitutional Convention;
17 providing oath of office; providing for recall and
18 penalty for violation of oath; providing for
19 employment of staff; providing for rules of
20 procedure; prohibiting consideration of certain
21 provisions of the Constitution; providing for working
22 draft to be considered by the Constitutional
23 Convention; providing voting requirements for certain
24 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.

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

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

18 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF
19 REPRESENTATIVES OF THE 1ST SESSION OF THE 56TH 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 9, 2018, in Oklahoma City at the State
3 Capitol.

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

5 1. Fifty delegates shall be selected by lot pursuant to
6 subsection E of this section from the Legislature. Twenty-five
7 delegates shall be members of the Senate, five of which shall be
8 selected from each congressional district and twenty-five delegates
9 shall be members of the House of Representatives, five of which
10 shall be selected from each congressional district. For purposes of
11 this paragraph, if the boundary of a congressional district passes
12 through the district of a legislator, the entire district shall be
13 considered to be within that congressional district;

14 2. Six delegates shall be selected by lot pursuant to
15 subsection E of this section from the Executive Department of
16 government agencies, boards and commissions within this state;
17 provided, none shall be statewide elected officials. Three of the
18 Executive Department delegates shall reside in a rural area of this
19 state and three of the Executive Department delegates shall reside
20 in an urban area of this state;

21 3. Six delegates shall be selected by lot pursuant to
22 subsection E of this section from the Judicial Department of
23 government within this state; provided, none shall be justices or
24 judges subject to statewide retention ballot. Three of the judicial

1 delegates shall reside in a rural area of this state and three of
2 the judicial delegates shall reside in an urban area of this state;
3 and

4 4. Fifty delegates from the public at large shall be selected
5 by lot pursuant to subsection E of this section, ten of which shall
6 be selected from each congressional district. No at-large delegate
7 shall be a statewide elected official.

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

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

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

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

19 1. Members of the Senate who wish to serve as delegates to the
20 Constitutional Convention shall submit their names to the President
21 Pro Tempore of the Senate. From the list of names submitted, the
22 President Pro Tempore of the Senate shall select the delegates.
23 Names shall be drawn by lot according to procedures established by
24 the Constitutional Convention Commission to select the remainder of

1 the delegates from the Senate. If an insufficient number of
2 Senators meeting the qualifications required by paragraph 1 of
3 subsection A of this section submit their names for consideration,
4 the Constitutional Convention Commission shall provide for selection
5 of the balance of membership from the membership of the Senate or
6 former members of the Senate, subject to the qualifications provided
7 for in paragraph 1 of subsection A of this section;

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

23 3. Members of Executive Department agencies, boards and
24 commissions who wish to serve as delegates to the Constitutional

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

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

21 5. Members of the public at large shall submit their names to
22 the Lieutenant Governor. Names shall be drawn by lot according to
23 procedures established by the Constitutional Convention Commission.
24 If an insufficient number of individuals meeting the qualifications

1 of paragraph 4 of subsection A of this section submit their names
2 for consideration, the Constitutional Convention Commission shall
3 provide for selection of the balance of membership from persons who
4 have submitted their names pursuant to paragraphs 1 through 4 of
5 this subsection.

6 6. The representation of delegates of any recognized political
7 party from a congressional district shall, as nearly as may be
8 practicable, be proportional to the number of registered voters from
9 that party within the congressional district.

10 F. Persons wishing to serve as delegates shall submit their
11 applications by February 1, 2019. By February 16, 2019, the persons
12 to whom the applications have been submitted shall forward the
13 applications to the Constitutional Convention Commission. Delegates
14 shall be selected by March 1, 2019.

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

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

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

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

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

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

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

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

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

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

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

16 H. The original Constitution and all amendments added by the
17 initiative petition process or the legislative referendum process by
18 July 10, 2019, shall be the working draft for consideration by the
19 Constitutional Convention. No article of the Constitution shall be
20 reviewed by the Convention for possible alterations, revisions or
21 amendments, unless the motion to do so receives the approval of two-
22 thirds (2/3) of the delegates. Thereafter, any proposed alteration,
23 revision or amendment to an article shall require a simple majority
24 for adoption. To reverse any previous action taken by the

1 Convention pertaining to an alteration, revision or amendment, two-
2 thirds (2/3) of the delegates must approve the motion.

3 SECTION 5. The Constitutional Convention shall adjourn sine die
4 no later than June 30, 2020.

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

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

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

20 SECTION 9. Any alteration, revision or amendment of the current
21 Constitution or new Constitution proposed by the Constitutional
22 Convention shall be submitted to the electors of the state for
23 adoption or rejection at the General Election to be held in 2020.

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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, 2019. It would end by June 30, 2020. 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 Fifty delegates would be from the State Legislature, ten from
16 each congressional district. Six delegates would be from the
17 Executive Department. They would be from agencies, boards and
18 commissions. Six delegates would be judges. Fifty members
19 would be from the public at large, ten from each congressional
20 district. Most delegates would be picked by lot. Delegates
21 would be paid for travel expenses for each day that the
22 Convention meets. Payment is limited. Certain delegates would
23 be required to be from rural or urban areas. Representation of
24 delegates from a political party would be required to be

1 proportional to the number of registered voters of that party.
2 Delegates can be paid for no more than ninety days. Any change
3 in the Constitution or new Constitution must be presented for
4 approval to state voters. This would happen at the General
5 Election in 2020.

6 SHALL THE PROPOSAL BE APPROVED?

7 FOR THE PROPOSAL - YES _____

8 AGAINST THE PROPOSAL - NO _____

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

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