

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               1st Session of the 58th Legislature (2021)

4   ENGROSSED SENATE  
5   BILL NO. 947

                              By: Rosino and Bullard of the  
                              Senate

6   and

7   West (Tammy) and **West**  
8   **(Josh)** of the House

9  
10           An Act relating to initiative and referendum;  
11           amending 34 O.S. 2011, Section 9, as last amended by  
12           Section 1, Chapter 281, O.S.L. 2018 (34 O.S. Supp.  
13           2020, Section 9), which relates to ballot titles;  
14           allowing additional number of words in ballot title  
15           under certain circumstances; requiring ballot title  
16           to contain notice of fiscal impact; and providing an  
17           effective date.

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

19           SECTION 1.           AMENDATORY           34 O.S. 2011, Section 9, as last  
20           amended by Section 1, Chapter 281, O.S.L. 2018 (34 O.S. Supp. 2020,  
21           Section 9), is amended to read as follows:

22           Section 9.   A.   When a referendum is ordered by petition of the  
23           people against any measure passed by the Legislature or when any  
24           measure is proposed by initiative petition, whether as an amendment  
          to the Constitution or as a statute, it shall be the duty of the  
          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 part of or  
6 printed on the petition. The suggested ballot title:

7 1. Shall not exceed two hundred words, or three hundred words  
8 if the proposed measure will have a fiscal impact on the state;

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

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

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

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

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

22 7. Shall indicate if a proposed measure will have a fiscal  
23 impact on the state and if so, the potential source of funding  
24 including but not limited to federal funding or legislative

1 appropriation which may require imposition of a new tax, increase of  
2 an existing tax or elimination of existing services.

3 C. When a measure is proposed as a constitutional amendment by  
4 the Legislature or when the Legislature proposes a statute  
5 conditioned upon approval by the people:

6 1. After final passage of a measure, the Secretary of State  
7 shall submit the proposed ballot title to the Attorney General for  
8 review as to legal correctness. Within five (5) business days after  
9 receipt from the Secretary of State, the Attorney General shall, in  
10 writing, notify the Secretary of State, the President Pro Tempore of  
11 the Senate, the Speaker of the House of Representatives and the  
12 principal authors of the bill whether or not the proposed ballot  
13 title complies with applicable laws. The Attorney General shall  
14 state with specificity any and all defects found and, if necessary,  
15 within ten (10) business days of determining that the proposed  
16 ballot title is defective, prepare a preliminary ballot title which  
17 complies with the law and furnish a copy of such ballot title to the  
18 Secretary of State, the President Pro Tempore of the Senate, the  
19 Speaker of the House of Representatives and the principal authors of  
20 the bill. The Attorney General may consider any comments made by  
21 the President Pro Tempore of the Senate or the Speaker of the House  
22 of Representatives submitted within five (5) business days of their  
23 being furnished a copy of the preliminary ballot title. The  
24 Attorney General shall respond in writing to the comments and shall

1 file a final ballot title with the Secretary of State no later than  
2 fifteen (15) business days after furnishing the preliminary ballot  
3 title; and

4 2. After receipt of the measure and the official ballot title,  
5 as certified by the Attorney General, the Secretary of State shall  
6 within five (5) days transmit to the Secretary of the State Election  
7 Board an attested copy of the measure, including the official ballot  
8 title.

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

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

23 2. Within ten (10) business days after completion of the review  
24 and, if necessary, the filing of a ballot title in compliance with

1 law, by the Attorney General, the Secretary of State shall, if no  
2 appeal is filed, transmit to the Secretary of the State Election  
3 Board an attested copy of the measure, including the official ballot  
4 title, and a certification that the requirements of this section  
5 have been met. If an appeal is taken from such ballot title within  
6 the time specified in Section 10 of this title, then the Secretary  
7 of State shall certify to the Secretary of the State Election Board  
8 the ballot title which is finally approved by the Supreme Court.

9 SECTION 2. This act shall become effective November 1, 2021.

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11 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated  
12 03/25/2021 - DO PASS, As Coauthored.  
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