SENATE BILL NO. 947   By: Rosino and Bullard of the
Senate

and

West (Tammy) of the House

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

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

SECTION 1.   AMENDATORY   34 O.S. 2011, Section 9, as last

amended by Section 1, Chapter 281, O.S.L. 2018 (34 O.S. Supp. 2020,

Section 9), is amended to read as follows:

Section 9. A. When a referendum is ordered by petition of the

people against any measure passed by the Legislature or when any

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

measure with the Secretary of State and one copy with the Attorney

General.

1   B.   The parties submitting the measure shall also submit a

2   suggested ballot title to the Secretary of State which shall be

3   filed on a separate sheet of paper and shall not be part of or

4   printed on the petition.   The suggested ballot title:

5   1.   Shall not exceed two hundred words, or three hundred words

6   if the proposed measure will have a fiscal impact on the state;

7   2.   Shall explain in basic words, which can be easily found in

8   dictionaries of general usage, the effect of the proposition;

9   3.   Shall not contain any words which have a special meaning for

10   a particular profession or trade not commonly known to the citizens

11   of this state;

12   4.   Shall not reflect partiality in its composition or contain

13   any argument for or against the measure;

14   5.   Shall contain language which clearly states that a "yes"

15   vote is a vote in favor of the proposition and a "no" vote is a vote

16   against the proposition; and

17   6.   Shall not contain language whereby a "yes" vote is, in fact,

18   a vote against the proposition and a "no" vote is, in fact, a vote

19   in favor of the proposition; and

20   7.   Shall indicate if a proposed measure will have a fiscal

21   impact on the state and if so, the potential source of funding

22   including but not limited to federal funding or legislative

23   appropriation which may require imposition of a new tax, increase of

24   an existing tax or elimination of existing services.

1   C.   When a measure is proposed as a constitutional amendment by

2   the Legislature or when the Legislature proposes a statute

3   conditioned upon approval by the people:

4   1.   After final passage of a measure, the Secretary of State

5   shall submit the proposed ballot title to the Attorney General for

6   review as to legal correctness. Within five (5) business days after

7   receipt from the Secretary of State, the Attorney General shall, in

8   writing, notify the Secretary of State, the President Pro Tempore of

9   the Senate, the Speaker of the House of Representatives and the

10   principal authors of the bill whether or not the proposed ballot

11   title complies with applicable laws. The Attorney General shall

12   state with specificity any and all defects found and, if necessary,

13   within ten (10) business days of determining that the proposed

14   ballot title is defective, prepare a preliminary ballot title which

15   complies with the law and furnish a copy of such ballot title to the

16   Secretary of State, the President Pro Tempore of the Senate, the

17   Speaker of the House of Representatives and the principal authors of

18   the bill. The Attorney General may consider any comments made by

19   the President Pro Tempore of the Senate or the Speaker of the House

20   of Representatives submitted within five (5) business days of their

21   being furnished a copy of the preliminary ballot title. The

22   Attorney General shall respond in writing to the comments and shall

23   file a final ballot title with the Secretary of State no later than

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1 fifteen (15) business days after furnishing the preliminary ballot

2 title; and

3   2.   After receipt of the measure and the official ballot title,

4 as certified by the Attorney General, the Secretary of State shall

5 within five (5) days transmit to the Secretary of the State Election

6 Board an attested copy of the measure, including the official ballot

7 title.

8   D.   The following procedure shall apply to ballot titles of

9 referendums ordered by a petition of the people or any measure

10 proposed by an initiative petition:

11   1.   After the filing of the signed referendum petitions or the

12 signed initiative petitions, the Secretary of State shall submit the

13 proposed separate ballot title to the Attorney General for review as

14 to legal correctness. Within five (5) business days after the

15 receipt of the ballot title, the Attorney General shall, in writing,

16 notify the Secretary of State whether or not the proposed ballot

17 title complies with applicable laws. The Attorney General shall

18 state with specificity any and all defects found and, if necessary,

19 within ten (10) business days of determining that the proposed

20 ballot title is defective, prepare and file a ballot title which

21 complies with the law; and

22   2. Within ten (10) business days after completion of the review

23 and, if necessary, the filing of a ballot title in compliance with

24 law, by the Attorney General, the Secretary of State shall, if no

1 appeal is filed, transmit to the Secretary of the State Election

2 Board an attested copy of the measure, including the official ballot

3 title, and a certification that the requirements of this section

4 have been met. If an appeal is taken from such ballot title within

5 the time specified in Section 10 of this title, then the Secretary

6 of State shall certify to the Secretary of the State Election Board

7 the ballot title which is finally approved by the Supreme Court.

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

9 COMMITTEE REPORT BY: COMMITTEE ON RULES
February 24, 2021 - DO PASS

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