

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

SENATE JOINT  
RESOLUTION 26

By: Dahm

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; requiring staff of Oklahoma Senate and Oklahoma House of Representatives to provide assistance; providing for rules of procedure; requiring quorum to transact business; requiring a simple majority for adoption of measures; 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 date of adjournment; providing for compensation of delegates; providing for payment of expenses of the Convention; subjecting delegates to certain rules and laws; 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; ordering a special election; providing ballot title; and directing filing.

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

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

7       WHEREAS, a State Question to eliminate the requirement that a  
8 Constitutional Convention proposal be submitted to the people every  
9 twenty (20) years was defeated at the General Election held November  
10 8, 1994; and

11       WHEREAS, the original Constitutional Convention was comprised of  
12 one hundred twelve members, with fifty-five delegates from Indian  
13 Territory, fifty-five delegates from Oklahoma Territory, and two  
14 members from Osage tribal land; and

15       WHEREAS, it is incumbent upon the Legislature to enact a law  
16 providing for a Constitutional Convention and to submit the law to a  
17 vote of the people.

18       NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF  
19 REPRESENTATIVES OF THE 1ST SESSION OF THE 58TH 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 12, 2022, in Oklahoma City at the State  
3 Capitol.

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

5       1. There shall be sixty-eight delegates selected from the  
6 Legislature: forty-eight delegates shall be members of the House of  
7 Representatives, and twenty delegates shall be members of the  
8 Senate. There shall be two members of the Senate from each election  
9 class and four members of the House of Representatives for each  
10 election class. The composition of delegates shall reflect the  
11 party affiliation of the Senate and House of Representatives at time  
12 of passage. Thirty-four members shall reside west of Interstate 35  
13 and thirty-four members shall reside east of Interstate 35. For  
14 purposes of this paragraph, if Interstate 35 passes through the  
15 district of a legislator, the entire district shall be considered to  
16 be west of Interstate 35;

17       2. Twelve delegates shall be selected by lot pursuant to  
18 subsection E of this section from the Executive Department of  
19 government agencies, boards and commissions within this state;  
20 provided, none shall be statewide elected officials. Six of the  
21 Executive Department delegates shall reside west of Interstate 35  
22 and six of the Executive Department delegates shall reside east of  
23 Interstate 35. For purposes of this paragraph, if Interstate 35  
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1 passes through a county, other than Payne County, the entire county  
2 shall be considered to be west of Interstate 35;

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

12 4. Twenty delegates from the public at large shall be selected  
13 by lot, pursuant to subsection E of this section. No at-large  
14 delegate shall be a statewide elected official. Nine of the at-  
15 large delegates shall reside west of Interstate 35, nine of the at-  
16 large delegates shall reside east of Interstate 35 and two of the  
17 at-large delegates shall be from Osage tribal land. Two of the at-  
18 large delegates shall be enrolled students from the two  
19 comprehensive state universities. The delegate from the University  
20 of Oklahoma shall be one of the seven delegates from west of  
21 Interstate 35 and the delegate from Oklahoma State University shall  
22 be one of the seven delegates from east of Interstate 35. For  
23 purposes of this paragraph, if Interstate 35 passes through a  
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1 county, other than Payne County, the entire county shall be  
2 considered to be west of Interstate 35.

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

6 C. Except as provided in paragraph 5 of subsection E of this  
7 section, an individual shall be eligible for consideration for  
8 selection as a delegate pursuant to only one of the categories  
9 provided for in subsection A of this section.

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

12 E. Delegates selected by lot shall be chosen pursuant to the  
13 following procedure:

14 1. Members of the House of Representatives who wish to serve as  
15 delegates to the Constitutional Convention shall submit their names  
16 to the Speaker of the House of Representatives. From the list of  
17 names submitted, the Speaker of the House shall select two delegates  
18 and the Minority Leader of the House shall select two delegates.  
19 Names shall be drawn by lot according to procedures established by  
20 the Constitutional Convention Commission to select the remainder of  
21 the delegates from the House of Representatives. If an insufficient  
22 number of Representatives meeting the qualifications required by  
23 paragraph 1 of subsection A of this section submit their names for  
24 consideration, the Constitutional Convention Commission shall

1 provide for selection of the balance of membership from the  
2 membership of the House of Representatives or former members of the  
3 House of Representatives, subject to the qualifications provided for  
4 in paragraph 1 of subsection A of this section;

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

19       3. Members of Executive Department agencies, boards and  
20 commissions who wish to serve as delegates to the Constitutional  
21 Convention shall submit their names to the Governor. Names shall be  
22 drawn by lot according to procedures established by the  
23 Constitutional Convention Commission. If an insufficient number of  
24 individuals from the Executive Department of government meeting the

1 qualifications required by paragraph 2 of subsection A of this  
2 section submit their names for consideration, the Constitutional  
3 Convention Commission shall provide for selection of the balance of  
4 membership from within the Executive Department or from former  
5 officers or employees from the Executive Department;

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

17 5. Members of the public at large shall submit their names to  
18 the Lieutenant Governor. Names shall be drawn by lot according to  
19 procedures established by the Constitutional Convention Commission.  
20 If an insufficient number of individuals meeting the qualifications  
21 of paragraph 4 of subsection A of this section submit their names  
22 for consideration, the Constitutional Convention Commission shall  
23 provide for selection of the balance of membership from persons who  
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1 have submitted their names pursuant to paragraphs 1 through 4 of  
2 this subsection.

3 F. Persons wishing to serve as delegates shall submit their  
4 applications by February 1, 2022. By February 15, 2022, the persons  
5 to whom the applications have been submitted shall forward the  
6 applications to the Constitutional Convention Commission. Delegates  
7 shall be selected by March 1, 2022.

8 G. There is hereby created a Constitutional Convention  
9 Commission. The purpose of the Commission is to develop the form to  
10 be used for application to serve as a delegate, establish the  
11 procedure for drawing names by lot, supervise the selection process  
12 for delegates to the Constitutional Convention and provide lists of  
13 alternates to serve in case of a vacancy. The Constitutional  
14 Convention Commission shall be composed of the Governor or a  
15 designee, the Chief Justice of the Supreme Court or a designee, the  
16 Speaker of the House of Representatives or a designee, the President  
17 Pro Tempore of the Senate or a designee, a member of the House of  
18 Representatives appointed by the Speaker of the House of  
19 Representatives, and a member of the Senate appointed by the  
20 President Pro Tempore of the Senate. The Commission members shall  
21 select the chair and vice chair from the Commission membership. The  
22 Commission shall conduct public hearings prior to the delegate  
23 selection process to gather input from the public for issues to be  
24 addressed by the Constitutional Convention.



1       SECTION 4. A. The Secretary of State shall call the  
2 Constitutional Convention to order and preside until one of the  
3 delegates is chosen President of the Constitutional Convention by  
4 vote of the Convention.

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

8       "I do solemnly swear or affirm that to the best of my abilities,  
9 I will, as a delegate to the State Constitutional Convention, uphold  
10 the Constitution and laws of the United States of America and the  
11 State of Oklahoma. I will not vote to allow consideration of or to  
12 approve any unauthorized amendment proposed for ratification to the  
13 Oklahoma Constitution."

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

17       C. The Convention may employ staff necessary to assist the  
18 delegates in performing their duties. The staff of the Oklahoma  
19 Senate and Oklahoma House of Representatives shall provide  
20 additional assistance as called upon by the Convention President.

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

23       E. The Convention may establish rules for the Convention. Any  
24 parliamentary question not provided for by the Oklahoma Constitution  
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1 or the rules of the Constitutional Convention shall be governed by  
2 Mason's Manual of Legislative Procedure.

3 F. A simple majority of the delegates shall constitute a quorum  
4 to transact business. A simple majority of the delegates shall be  
5 necessary for the adoption of any measure.

6 G. The original Constitution and all amendments added by the  
7 initiative petition process or the legislative referendum process by  
8 July 12, 2022, shall be the working draft for consideration by the  
9 Constitutional Convention. No article of the Constitution shall be  
10 reviewed by the Convention for possible alterations, revisions or  
11 amendments, unless the motion to do so receives the approval of two-  
12 thirds (2/3) of the delegates. Thereafter, any proposed alteration,  
13 revision or amendment to an article shall require a simple majority  
14 for adoption. To reverse any previous action taken by the  
15 Convention pertaining to an alteration, revision or amendment, two-  
16 thirds (2/3) of the delegates must approve the motion.

17 SECTION 5. The Constitutional Convention shall adjourn sine die  
18 no later than June 30, 2023.

19 SECTION 6. The delegates to the Constitutional Convention shall  
20 receive no compensation but shall receive reimbursement for mileage  
21 and per diem as provided in the State Travel Reimbursement Act for  
22 the time that the Constitutional Convention is in session up to a  
23 maximum of ninety (90) days.  
24  
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1       SECTION 7. All expenses incurred by the Constitutional  
2 Convention acting within the scope of authority as provided for in  
3 this resolution and all expenses of holding the election for  
4 adoption or rejection of any alteration, revision or amendment of  
5 the current Constitution or proposed new Constitution shall be paid  
6 for by the state; and it is made the express duty of the Legislature  
7 to provide for payment of the expenses.

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

11       SECTION 9. Any alteration, revision or amendment of the current  
12 Constitution or new Constitution proposed by the Constitutional  
13 Convention shall be submitted to the electors of the state for  
14 adoption or rejection at the General Election to be held in 2023.

15       SECTION 10. A special election is hereby ordered to be held  
16 throughout the State of Oklahoma on or before November 9, 2021, at  
17 which time the proposed Constitutional Convention, as set forth in  
18 SECTION 1 of this resolution, shall be submitted to the people of  
19 Oklahoma for their approval or rejection as and in the manner  
20 provided by law.

21       SECTION 11. The Ballot Title for the proposed question to be  
22 put before the people as provided herein shall be in the following  
23 form:

24                                   BALLOT TITLE  
25

Legislative Referendum No. \_\_\_\_\_ State Question No. \_\_\_\_\_

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure calls a state Constitutional Convention. It would begin on July 12, 2022. It would end by June 30, 2023. It would review the State Constitution. It could alter, amend or revise the Constitution. It could propose a new State Constitution. There would be one hundred six delegates. Sixty-eight delegates would be from the State Legislature. Twelve delegates would be from the Executive Department. They would be from agencies, boards and commissions. Six delegates would be judges. Twenty members would be from the public at large. Most delegates would be picked by lot. A few delegates would be selected by leadership of the Legislature. Delegates would be paid for travel expenses for each day that the Convention meets. Payment is limited. Delegates can be paid for no more than ninety days. Any change in the Constitution or new Constitution must be presented for approval to state voters. This would happen at the General Election in 2023.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL — YES \_\_\_\_\_

AGAINST THE PROPOSAL — NO \_\_\_\_\_

SECTION 12. The President Pro Tempore of the Senate shall immediately after the passage of this resolution, prepare and file one copy thereof, including the Ballot Title set forth in SECTION 11

1 hereof, with the Secretary of State and one copy with the Attorney  
2 General.

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