

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 917

By: Paxton

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6 AS INTRODUCED

7 An Act relating to initiative and referendum;
8 amending 34 O.S. 2011, Section 8, as last amended by
9 Section 8, Chapter 125, O.S.L. 2020 (34 O.S. Supp.
10 2020, Section 8), which relates to filing of proposed
petition; requiring filing of criminal history
11 investigation by certain persons; and providing an
12 effective date.

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

14 SECTION 1. AMENDATORY 34 O.S. 2011, Section 8, as last
15 amended by Section 8, Chapter 125, O.S.L. 2020 (34 O.S. Supp. 2020,
16 Section 8), is amended to read as follows:

17 Section 8. A. When a citizen or citizens desire to circulate a
18 petition initiating a proposition of any nature, whether to become a
19 statute law or an amendment to the Constitution, or for the purpose
20 of invoking a referendum upon legislative enactments, such citizen
21 or citizens shall, when such petition is prepared, and before the
22 same is circulated or signed by electors, file a true and exact copy
23 of same in the office of the Secretary of State and shall at the
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1 same time file a separate ballot title, which shall not be part of
2 or printed on the petition.

3 B. It shall be the duty of the Secretary of State to cause to
4 be published, in at least one newspaper of general circulation in
5 the state, a notice of such filing and the apparent sufficiency or
6 insufficiency of the petition, and shall include notice that any
7 citizen or citizens of the state may file a protest as to the
8 constitutionality of the petition, by a written notice to the
9 Supreme Court and to the proponent or proponents filing the
10 petition. Any such protest must be filed within ten (10) business
11 days after publication. A copy of the protest shall be filed with
12 the Secretary of State.

13 C. Upon the filing of a protest to the petition, the Supreme
14 Court shall then fix a day, not less than ten (10) business days
15 thereafter, at which time it will hear testimony and arguments for
16 and against the sufficiency of such petition.

17 D. A protest filed by anyone hereunder may, if abandoned by the
18 party filing same, be revived within five (5) business days by any
19 other citizen. After such hearing the Supreme Court shall decide
20 whether such petition is in the form required by the statutes. If
21 the Court is at the time adjourned, the Chief Justice shall
22 immediately convene the same for such hearing. No objection to the
23 sufficiency shall be considered unless it has been made and filed as
24 herein provided.

1 E. Signature-gathering Deadline for Initiative Petitions. When
2 an initiative petition has been filed in the office of the Secretary
3 of State and all appeals, protests and rehearings have been resolved
4 or the period for such has expired, the Secretary of State shall set
5 the date for circulation of signatures for the petition to begin but
6 in no event shall the date be less than fifteen (15) days nor more
7 than thirty (30) days from the date when all appeals, protests and
8 rehearings have been resolved or have expired. Notification shall
9 be sent to the proponents specifying the date on which circulation
10 of the petition shall begin and that the signatures are due within
11 ninety (90) days of the date set. Each person responsible for the
12 circulation of a petition for the collection of signatures shall
13 have a criminal history investigation performed by the Oklahoma
14 State Bureau of Investigation filed with the Secretary of State.
15 Each elector shall sign his or her name and legibly print his or her
16 name, birth date and address associated with his or her Oklahoma
17 voter registration record. Any petition not filed in accordance
18 with this provision shall not be considered. The proponents of an
19 initiative petition, any time before the final submission of
20 signatures, may withdraw the initiative petition upon written
21 notification to the Secretary of State.

22 F. Signature-gathering Deadline for Referendum Petitions. All
23 signed signatures supporting a referendum petition shall be filed
24 with the Secretary of State not later than ninety (90) days after
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1 the adjournment of the legislative session in which the measure,
2 which is the subject of the referendum petition, was enacted.

3 G. The proponents of a referendum or an initiative petition may
4 terminate the circulation period any time during the ninety-day
5 circulation period by certifying to the Secretary of State that:

- 6 1. All signed petitions have already been filed with the
7 Secretary of State;
- 8 2. No more petitions are in circulation; and
- 9 3. The proponents will not circulate any more petitions.

10 If the Secretary of State receives such a certification from the
11 proponents, the Secretary of State shall begin the counting and
12 review process.

13 H. When the signed copies of a petition pamphlet are timely
14 filed, the Secretary of State shall file a copy of the proponent's
15 ballot title with the Attorney General and, after conducting a count
16 and review of the filed, signed petition pamphlets, the Secretary of
17 State shall certify to the Supreme Court of the state:

- 18 1. The total number of signatures counted pursuant to
19 procedures set forth in this title; and
- 20 2. The total number of votes cast for the state office
21 receiving the highest number of votes cast at the last general
22 election.

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1 The Supreme Court shall make the determination of the numerical
2 sufficiency or insufficiency of the signatures counted and reviewed
3 by the Secretary of State.

4 I. Upon order of the Supreme Court it shall be the duty of the
5 Secretary of State to forthwith cause to be published, in at least
6 one newspaper of general circulation in the state, a notice of the
7 filing of the signed petitions and the apparent sufficiency or
8 insufficiency thereof, and shall also publish the text of the ballot
9 title as reviewed and approved or, if applicable, as rewritten by
10 the Attorney General pursuant to the provisions of subsection D of
11 Section 9 of this title and notice that any citizen or citizens of
12 the state may file an objection to the count made by the Secretary
13 of State, by a written notice to the Supreme Court and to the
14 proponent or proponents filing the petition. Any such objection
15 must be filed within ten (10) business days after publication and
16 must relate only to the validity or number of the signatures or a
17 challenge to the ballot title. A copy of the objection to the count
18 or ballot title shall be filed with the Supreme Court, the Attorney
19 General and the Secretary of State.

20 J. Upon appeal and if ordered or directed by the Supreme Court,
21 the Secretary of State shall deliver the bound volumes of signatures
22 to the Supreme Court.

23 K. Upon the filing of an objection to the signature count or
24 ballot title, the Supreme Court shall resolve the objection with
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1 dispatch. The Supreme Court shall adopt rules to govern proceedings
2 to apply to the challenge of a measure on the grounds that the
3 proponents failed to gather sufficient signatures.

4 L. If in the opinion of the Supreme Court, any objection to the
5 count or protest to the petition is frivolous, the Court may impose
6 appropriate sanctions, including an award of costs and attorneys
7 fees to either party as the Court deems equitable.

8 M. Whenever reference is made in this act to the Supreme Court,
9 such reference shall include the members of the Supreme Court or any
10 officer constitutionally designated to perform the duties herein
11 prescribed.

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

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