

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 SENATE JOINT
4 RESOLUTION 46

By: Dahm

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6
7 AS INTRODUCED

8 A Joint Resolution calling a Constitutional
9 Convention to alter, revise or amend the present
10 Constitution of the State of Oklahoma or to propose a
11 new Constitution; fixing the time and place thereof;
12 providing for selection of delegates to the
13 Convention; providing requirements and restrictions
14 for eligibility; creating a Constitutional Convention
15 Commission; stating purpose; providing for
16 composition; providing for election of officers and
17 organization of the Constitutional Convention;
18 providing oath of office; providing for recall and
19 penalty for violation of oath; providing for
20 employment of staff; requiring staff of Oklahoma
21 Senate and Oklahoma House of Representatives to
22 provide assistance; providing for rules of procedure;
23 requiring quorum to transact business; requiring a
24 simple majority for adoption of measures; prohibiting
25 consideration of certain provisions of the
26 Constitution; providing for working draft to be
27 considered by the Constitutional Convention;
28 providing voting requirements for certain actions;
29 providing date of adjournment; providing for
30 compensation of delegates; providing for payment of
31 expenses of the Convention; subjecting delegates to
32 certain rules and laws; providing for submission of
33 constitutional changes to the voters of the state;
34 providing for submission of this joint resolution to
35 a vote of the people; ordering a special election;
36 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, 2023, 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 from 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. Delegates selected by lot shall be chosen pursuant to the
11 following procedure:

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

1 House of Representatives, subject to the qualifications provided for
2 in paragraph 1 of subsection A of this section;

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

17 3. Members of Executive Department agencies, boards and
18 commissions who wish to serve as delegates to the Constitutional
19 Convention shall submit their names to the Governor. Names shall be
20 drawn by lot according to procedures established by the
21 Constitutional Convention Commission. If an insufficient number of
22 individuals from the Executive Department of government meeting the
23 qualifications required by paragraph 2 of subsection A of this
24 section submit their names for consideration, the Constitutional

1 Convention Commission shall provide for selection of the balance of
2 membership from within the Executive Department or from former
3 officers or employees from the Executive Department;

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

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

1 E. Persons wishing to serve as delegates shall submit their
2 applications by February 1, 2023. By February 15, 2023, the persons
3 to whom the applications have been submitted shall forward the
4 applications to the Constitutional Convention Commission. Delegates
5 shall be selected by March 1, 2023.

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

23 SECTION 4. A. The Secretary of State shall call the
24 Constitutional Convention to order and preside until one of the

1 delegates is chosen President of the Constitutional Convention by
2 vote of the Convention.

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

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

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

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

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

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

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

4 G. The original Constitution and all amendments added by the
5 initiative petition process or the legislative referendum process by
6 July 12, 2023, shall be the working draft for consideration by the
7 Constitutional Convention. No article of the Constitution shall be
8 reviewed by the Convention for possible alterations, revisions or
9 amendments, unless the motion to do so receives the approval of two-
10 thirds (2/3) of the delegates. Thereafter, any proposed alteration,
11 revision or amendment to an article shall require a simple majority
12 for adoption. To reverse any previous action taken by the
13 Convention pertaining to an alteration, revision or amendment, two-
14 thirds (2/3) of the delegates must approve the motion.

15 SECTION 5. The Constitutional Convention shall adjourn sine die
16 no later than June 30, 2024.

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

22 SECTION 7. All expenses incurred by the Constitutional
23 Convention acting within the scope of authority as provided for in
24 this resolution and all expenses of holding the election for

1 adoption or rejection of any alteration, revision or amendment of
2 the current Constitution or proposed new Constitution shall be paid
3 for by the state; and it is made the express duty of the Legislature
4 to provide for payment of the expenses.

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

8 SECTION 9. Any alteration, revision or amendment of the current
9 Constitution or new Constitution proposed by the Constitutional
10 Convention shall be submitted to the electors of the state for
11 adoption or rejection at the General Election to be held in 2024.

12 SECTION 10. A special election is hereby ordered to be held
13 throughout the State of Oklahoma on or before November 9, 2022, at
14 which time the proposed Constitutional Convention, as set forth in
15 SECTION 1 of this resolution, shall be submitted to the people of
16 Oklahoma for their approval or rejection as and in the manner
17 provided by law.

18 SECTION 11. The Ballot Title for the proposed question to be
19 put before the people as provided herein shall be in the following
20 form:

21 BALLOT TITLE

22 Legislative Referendum No. _____ State Question No. _____

23 THE GIST OF THE PROPOSITION IS AS FOLLOWS:
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1 This measure calls a state Constitutional Convention. It would
2 begin on July 12, 2023. It would end by June 30, 2024. It
3 would review the State Constitution. It could alter, amend or
4 revise the Constitution. It could propose a new State
5 Constitution. There would be one hundred six delegates. Sixty-
6 eight delegates would be from the State Legislature. Twelve
7 delegates would be from the Executive Department. They would be
8 from agencies, boards and commissions. Six delegates would be
9 judges. Twenty members would be from the public at large. Most
10 delegates would be picked by lot. A few delegates would be
11 selected by leadership of the Legislature. Delegates would be
12 paid for travel expenses for each day that the Convention meets.
13 Payment is limited. Delegates can be paid for no more than
14 ninety days. Any change in the Constitution or new Constitution
15 must be presented for approval to state voters. This would
16 happen at the General Election in 2024.

17 SHALL THE PROPOSAL BE APPROVED?

18 FOR THE PROPOSAL - YES _____

19 AGAINST THE PROPOSAL - NO _____

20 SECTION 12. The President Pro Tempore of the Senate shall
21 immediately after the passage of this resolution, prepare and file
22 one copy thereof, including the Ballot Title set forth in SECTION 11
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1 hereof, with the Secretary of State and one copy with the Attorney
2 General.

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