

**COMMITTEE AMENDMENT**

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3877 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by  
inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Andy Fugate

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

PROPOSED COMMITTEE  
SUBSTITUTE  
FOR  
HOUSE BILL NO. 3877

By: Fugate

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to initiative and referendum;  
amending 34 O.S. 2021, Section 8, which relates to  
signature gathering; modifying filing of petition  
pamphlets; and providing an effective date.

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

SECTION 1. AMENDATORY 34 O.S. 2021, Section 8, is  
amended to read as follows:

Section 8. A. When a citizen or citizens desire to circulate a  
petition initiating a proposition of any nature, whether to become a  
statute law or an amendment to the Constitution, or for the purpose  
of invoking a referendum upon legislative enactments, such citizen  
or citizens shall, when such petition is prepared, and before the  
same is circulated or signed by electors, file a true and exact copy  
of same in the office of the Secretary of State and shall at the

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 elector shall sign his or  
12 her name and legibly print his or her name, birth date and address  
13 associated with his or her Oklahoma voter registration record. Any  
14 petition not filed in accordance with this provision shall not be  
15 considered. The proponents of an initiative petition, any time  
16 before the final submission of signatures, may withdraw the  
17 initiative petition upon written notification to the Secretary of  
18 State.

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

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

4 ~~1. All signed petitions have already been filed with the~~  
5 ~~Secretary of State;~~

6 ~~2. No more petitions are in circulation; and~~

7 ~~3. The proponents will not circulate any more petitions.~~

8 ~~If the~~ file a petition pamphlet with the Secretary of State  
9 ~~receives such a certification from the proponents~~ at any time, and  
10 the Secretary of State shall immediately begin the counting and  
11 review process.

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

17 1. The total number of signatures counted pursuant to  
18 procedures set forth in this title; and

19 2. The total number of votes cast for the state office  
20 receiving the highest number of votes cast at the last general  
21 election.

22 The Supreme Court shall make the determination of the numerical  
23 sufficiency or insufficiency of the signatures counted and reviewed  
24 by the Secretary of State.

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

17 J. Upon appeal and if ordered or directed by the Supreme Court,  
18 the Secretary of State shall deliver the bound volumes of signatures  
19 to the Supreme Court.

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

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

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

9 SECTION 2. This act shall become effective November 1, 2024.

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11 59-2-9990 LRB 02/06/24  
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