

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 3723

By: Shaw

AS INTRODUCED

An Act relating to green energy projects; requiring vote of board of county commissioners before certain projects can proceed; requiring certain submissions to board of county commissioners; requiring certain vote; requiring certain notifications; authorizing citizens to undertake referendum petition; stating requirements for referendum petition; providing for counting of signatures; providing procedure for protests; outlining procedure for ballot title; providing for appeals to the wording of ballot title; requiring secretary of the county election board notify commission of ballot title; requiring question be presented to voters at next general election; requiring certain notices be given before general election; providing final outcome of vote be binding; providing for codification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 180.14 of Title 17, unless there is created a duplication in numbering, reads as follows:

A. No industrial wind or solar project shall proceed to state or regional permitting, siting review, or interconnection study, including through any state agency or regional grid operator such as

1 the Southwest Power Pool, unless and until a majority of the board  
2 of county commissioners for each county within which the project's  
3 boundary occurs has voted to approve the project.

4 B. At least sixty (60) days prior to the county vote, the  
5 company proposing the project shall submit to the board of county  
6 commissioners for each affected county:

- 7 1. Full engineering plans and specifications of the project;
- 8 2. Maps showing the project boundary and locations of major  
9 components;
- 10 3. Environmental, noise, and traffic impact assessments;
- 11 4. Proposed construction schedule; and
- 12 5. Decommissioning and restoration plan.

13 C. The board of county commissioners shall place the vote on  
14 its next regular meeting agenda and provide advance public notice in  
15 a newspaper of general local circulation and any available social  
16 media channels at least fifteen (15) days prior to the vote. The  
17 project developer shall provide notice of said vote to all  
18 landowners within the project boundary and those residing within a  
19 five-mile radius of the project boundary at least fifteen (15) days  
20 prior to the meeting.

21 SECTION 2. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 180.15 of Title 17, unless there  
23 is created a duplication in numbering, reads as follows:  
24

1       A. Citizens of a county that are in disagreement with the  
2 outcome of the vote of a board of county commissioners pursuant to  
3 subsection C of Section 1 of this act shall have the power to  
4 institute a referendum petition as provided for by the Oklahoma  
5 Constitution and as provided in this section.

6       B. 1. For purposes of this section, the form of the referendum  
7 petition shall be substantially as provided in Section 1 of Title 34  
8 of the Oklahoma Statutes. A true copy of each measure proposed by  
9 referendum shall be filed with the secretary of the county election  
10 board before it is circulated and signed by the registered voters.

11       2. Every petition for referendum shall be signed by a number of  
12 the registered voters residing in the county to be equal to at least  
13 ten percent (10%) of the registered voters residing in the county.  
14 The signatures to each petition shall be verified in the manner  
15 provided by law.

16       3. Signed copies of a petition invoking a referendum upon any  
17 ordinance or resolution shall be submitted to the secretary of the  
18 county election board within thirty (30) days after the passage or  
19 adoption of the ordinance or resolution.

20       C. When signed copies of a petition are timely filed with the  
21 secretary of the county election board, the secretary of the county  
22 election board shall make a physical count of the number of  
23 signatures appearing on the petitions. He or she shall then  
24 publish, in at least one newspaper of general circulation in the

1 county and on any available social media channels, a notice of the  
2 filing and the apparent sufficiency or insufficiency of the  
3 petition. The notice shall also state that any qualified elector in  
4 the county may file a protest to the petition or an objection to the  
5 count made by the secretary of the county election board.

6 A protest to the petition or the count of signatures shall be  
7 filed in the district court in the county within ten (10) days after  
8 the publication. Written notice of the protest shall be served upon  
9 the secretary of the county election board and the parties who filed  
10 the petition. In the case of the filing of an objection to the  
11 count, notice shall also be served upon any party filing a protest.  
12 The district court shall fix a day, not less than ten (10) days  
13 after the filing of a protest, to hear testimony and arguments for  
14 and against the sufficiency of the petition. A protest filed by  
15 anyone, if abandoned by the party filing it, may be revived within  
16 five (5) days by any other qualified elector. After the hearing,  
17 the district court shall decide whether such petition is in the form  
18 required by law.

19 D. 1. The parties submitting a petition for a referendum shall  
20 also prepare and file a ballot title for the measure. The ballot  
21 title may be filed with the secretary of the county election board  
22 prior to circulating the petition, but it must be submitted no later  
23 than the time that the signed copies of the petition are filed with  
24 the secretary of the county election board. The ballot title shall

1 contain the gist of the proposition couched in language that may be  
2 readily understood by persons not engaged in the practice of law.  
3 The ballot title shall contain language which clearly states that a  
4 "yes" vote is a vote in favor of the proposition, and a "no" vote is  
5 a vote against the proposition. The ballot title may not:

- 6 a. exceed one hundred fifty (150) words,
- 7 b. reflect partiality in its composition or contain any  
8 argument for or against the measure, or
- 9 c. contain language whereby a "yes" vote is, in fact, a  
10 vote against the proposition and a "no" vote is, in  
11 fact, a vote in favor of the proposition.

12 2. The secretary of the county election board shall immediately  
13 forward a copy of the proposition and ballot title to the district  
14 attorney. Within three (3) days after the filing of the ballot  
15 title, the attorney shall notify the secretary of the county  
16 election board in writing whether or not the proposed ballot title  
17 is in legal form and in harmony with the law. If the ballot title  
18 is not in proper form, in the opinion of the attorney, he or she  
19 shall prepare and file a ballot title which does conform to the law  
20 within the three-day period.

21 E. A qualified elector who is dissatisfied with the wording of  
22 a ballot title may appeal, within ten (10) days after the ballot  
23 title is filed with the secretary of the county election board, to  
24 the county district court. The petition for appeal shall offer a

1 substitute ballot title for the one from which the appeal is taken.  
2 Written notice of the appeal shall be served upon the secretary of  
3 the county election board and upon the parties who filed the ballot  
4 title at least five (5) days before such appeal is heard by the  
5 court. The district attorney shall, and any interested citizen may,  
6 defend the ballot title from which the appeal is taken. After the  
7 hearing of the appeal, the district court may correct or amend the  
8 ballot title, or accept the substitute suggested, or may draft a new  
9 one which will conform with the law.

10 F. When a ballot title has been decided upon, either as  
11 approved by the district attorney or by the district court, the  
12 secretary of the county election board shall notify the board of  
13 county commissioners in writing, and attach a copy of the petition  
14 and ballot title.

15 G. Whenever a referendum is demanded against any measure passed  
16 by the county governing body, the question shall be submitted to the  
17 registered voters of the county for their approval or rejection at  
18 the next general county election.

19 H. In addition to the procedural requirements of this section,  
20 if signatures are successfully gathered and the ballot measure is  
21 approved, notice of said ballot shall be provided by the board of  
22 county commissioners in local newspapers and on any available social  
23 media channels for two (2) weeks before the general county election.  
24 The company proposing the industrial wind or solar project shall

1 provide notice by U.S. mail of the ballot measure to all landowners  
2 within the project boundary and all landowners within a radius of  
3 five (5) miles of the perimeter of the project at least thirty (30)  
4 days before the general county election.

5 I. If a referendum petition is sufficient and the measure is  
6 submitted to and decided by a vote of the registered voters of the  
7 county, the final outcome of such election shall be binding upon the  
8 board of county commissioners and upon any company proposing,  
9 constructing, or operating an industrial wind or solar project that  
10 is the subject of the referendum. No such company shall proceed  
11 with, resume, or continue development, construction, or operation of  
12 the project in a manner inconsistent with the result approved by the  
13 voters.

14 SECTION 3. It being immediately necessary for the preservation  
15 of the public peace, health or safety, an emergency is hereby  
16 declared to exist, by reason whereof this act shall take effect and  
17 be in full force from and after its passage and approval.

18  
19 60-2-14690 JBH 01/13/26  
20  
21  
22  
23  
24