

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 HOUSE JOINT
4 RESOLUTION 1075

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7 By: Dollens

8 AS INTRODUCED

9 An Act directing the Secretary of State to refer to
10 the people for their approval or rejection a proposed
11 amendment to the Constitution of the State of
12 Oklahoma by adding a new Section 49 to Article IX;
13 establishing artificial persons only have powers and
14 privileges expressly provided in the Oklahoma
15 Constitution; permitting the Legislature to create
16 artificial persons by statute; clarifying the intent
17 of the people of Oklahoma; providing definitions;
18 revoking previously granted powers; providing that no
provision of the Oklahoma Constitution grants
artificial persons authority to engage in election or
initiative petition activity; granting safe harbor
for certain legal obligations; granting selective
powers to artificial persons; declaring that
unauthorized conduct will result in forfeiture of
charter privileges as well as other legal action;
providing for severability; providing ballot title;
and directing filing.

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22 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE
23 OF THE 2ND SESSION OF THE 60TH OKLAHOMA LEGISLATURE:

1 SECTION 1. The Secretary of State shall refer to the people for
2 their approval or rejection, as and in the manner provided by law,
3 the following proposed amendment to the Constitution of the State of
4 Oklahoma by adding a new Section 49 to Article IX thereof, to read
5 as follows:

6 A. Artificial persons exist only by grant of the state and
7 shall have no powers or privileges except those this Constitution
8 expressly provides.

9 B. 1. The Legislature may by statute create artificial persons
10 consistent with subsection A of this section; and

11 2. The people of Oklahoma have never, and do not, intend the
12 powers of artificial persons to include election activity or
13 initiative petition activity. This section retracts all artificial
14 persons' powers and re-grants only those powers that the people deem
15 necessary or convenient to carry out an artificial person's lawful
16 business or charitable purposes, as described in paragraph 4 of
17 subsection C of this section. Powers related to election activity
18 or initiative petition activity shall not be deemed necessary or
19 convenient to those purposes.

20 C. Definitions.

21 1. "Artificial person" means every entity whose existence or
22 limited-liability shield is conferred by Oklahoma law, including,
23 without limitation:

24 a. business corporations,

- b. nonprofit corporations (public-benefit, mutual-benefit, religious),
- c. limited-liability companies,
- d. unincorporated associations, limited-liability partnerships, statutory trusts, professional corporations, cooperatives, and any successor form, and
- e. foreign entities that are authorized to transact business, are otherwise transacting business, or hold property in Oklahoma. Any foreign entity that directly or indirectly undertakes, finances, or directs election activity or initiative petition activity in the State of Oklahoma is conclusively deemed to be transacting business in this state;

2. "Election activity" means paying, contributing, or expending

money or anything of value to support or oppose a candidate,

political party, or political committee. Election activity does not include any bona fide news story, commentary, or editorial distributed through the facilities of any broadcasting station, or of any print, online, or digital newspaper, magazine, blog, or other periodical publication, unless such broadcasting, print, online, or digital facilities are owned or controlled by a political party, political committee, or candidate;

1 3. "Initiative petition activity" means paying, contributing, or
2 expending money or anything of value to support or oppose a ballot
3 question or initiative. Initiative petition activity does not
4 include any bona fide news story, commentary, or editorial
5 distributed through the facilities of any broadcasting station, or
6 of any print, online, or digital newspaper, magazine, blog, or other
7 periodical publication, unless such broadcasting, print, online, or
8 digital facilities are owned or controlled by a political party,
9 political committee, or candidate;

10 4. "Artificial person powers" means powers necessary or
11 convenient to carry out lawful business or charitable purposes,
12 excluding any power to directly or indirectly engage in election
13 activity or initiative petition activity;

14 5. "Charter privilege" means any benefit to artificial persons
15 that exists only because the State of Oklahoma confers it, such as,
16 without limitation, limited liability, perpetual duration,
17 succession in its corporate name, and tax credits and abatements;
18 and

19 6. "Foreign entity" means an artificial person organized or
20 existing under the laws of any jurisdiction other than the State of
21 Oklahoma.

22 D. Total revocation of previous power grants.

23 1. The creation and continued existence of an artificial person
24 is not a right but a conditional grant of legal status by the state

1 and remains subject to complete withdrawal at any time. All powers
2 previously granted to any artificial person under Oklahoma law are
3 revoked in their entirety. No artificial person operating under the
4 jurisdiction of this state shall possess any power unless
5 specifically granted by this Constitution. No provision of this
6 Constitution grants or recognizes any power of an artificial person
7 to engage in election activity or initiative petition activity,
8 except as provided in paragraph 3 of subsection E of this section;
9 and

10 2. Transitional Safe Harbor. Nothing in paragraph 1 of
11 subsection D of this section shall be construed to invalidate,
12 impair, or modify any existing contract, debt instrument, security,
13 or other legal obligation validly entered into before the effective
14 date of this act; provided, however, that nothing herein authorizes
15 any election activity or ballot issue activity after the effective
16 date. Nothing in paragraph 1 of subsection D of this section shall
17 be construed to impair the continued existence or legal personhood
18 of any artificial person, or to affect any artificial person's power
19 to take any action necessary to wind up and liquidate its business
20 and affairs.

21 E. Selective re-grant of artificial person powers.

22 1. Each artificial person possesses the powers defined in
23 paragraph 4 of subsection C of this section, unless its
24 organizational documents limit the exercise of such powers, and no

1 powers beyond those expressly granted. No provision of this
2 Constitution grants or recognizes any power of an artificial person
3 to engage in election activity or initiative petition activity,
4 except as provided in paragraph 3 of this subsection. The re-grant
5 of powers under this subsection shall take legal effect
6 simultaneously with the revocation under paragraph 1 of subsection D
7 of this section;

8 2. Any language in articles of incorporation, organization,
9 association, or other organizational documents purporting to
10 directly or indirectly confer election activity authority or
11 initiative petition activity authority to artificial persons is
12 void;

13 3. Political committees registered under Oklahoma or federal
14 law are entities created for the purpose of engaging in election
15 activity and initiative petition activity. Such committees may be
16 granted the power to engage in those activities provided that they
17 exist solely for that purpose and claim no charter privilege other
18 than limited liability. This Constitution does not grant any other
19 artificial person the power to engage in election activity or
20 initiative petition activity; and

21 4. No charter privilege shall be construed to authorize
22 election activity or initiative petition activity. An artificial
23 person that exercises election activity authority or initiative
24 petition activity authority, unless expressly permitted to do so

1 under paragraph 3 of this subsection, initially forfeits all charter
2 privileges as a matter of law. The Legislature shall, during its
3 first regular session following the effective date of this act,
4 enact procedures that allow reinstatement upon full disgorgement,
5 certification of compliance, and payment of civil penalties.

6 F. Ultra vires actions.

7 Any election activity or initiative petition activity conducted
8 by an artificial person is ultra vires and void. Such conduct
9 results in the forfeiture of charter privileges as provided in
10 paragraph 4 of subsection E of this section and shall also be
11 subject to civil action by a member, shareholder, or the Attorney
12 General for injunctive relief, disgorgement, and confirmation or
13 enforcement of the forfeiture. The Legislature shall, during its
14 first regular session following the effective date of this act,
15 enact procedures for such civil actions.

16 G. Severability.

17 If any provision of this act, or its application to any person
18 or circumstance, is held invalid, the remaining provisions and
19 applications that are severable shall remain in effect. In such
20 event, no prior grant of corporate powers shall be revived or
21 reinstated, nor shall any court construe this act to authorize
22 broader powers than are expressly conferred in this act.

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1 SECTION 2. The Ballot Title for the proposed Constitutional
2 amendment as set forth in SECTION 1 of this resolution shall be in
3 the following form:

BALLOT TITLE

5 Legislative Referendum No. _____ State Question No. _____

6 | THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure amends the Oklahoma Constitution by creating a new Section 49 in Article 9. The measure redefines the power of artificial persons, including corporations. It defines their powers as only those the Constitution expressly grants and provides that artificial persons have no power to spend money or anything of value on elections or state questions. It affirms that the people of Oklahoma never intended for artificial persons to have the power to spend on elections or state questions. The measure provides that actions beyond those expressly granted powers are void. The measure permits political committees to be granted the power to spend on elections and state questions. It allows enforcement through forfeiture of state-conferred privileges. The measure includes a clause that ensures that valid portions of the measure remain effective even if other parts are invalidated.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL — YES

AGAINST THE PROPOSAL — NO

1 SECTION 3. The Chief Clerk of the House of Representatives,
2 immediately after the passage of this act, shall prepare and file
3 one copy thereof, including the Ballot Title set forth in SECTION 2
4 hereof, with the Secretary of State and one copy with the Attorney
5 General.

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