

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1105

6 By: McCall

7 COMMITTEE SUBSTITUTE

8 An Act relating to initiative and referendum;
9 amending 34 O.S. 2011, Section 8, as last amended by
10 Section 8, Chapter 125, O.S.L. 2020 (34 O.S. Supp.
11 2020, Section 8), which relates to filing and
12 signature gathering of petitions; imposing filing fee
13 for certain petitions; providing for reimbursement;
14 increasing time limit for protests; requiring filing
15 of criminal history investigation by certain persons;
16 increasing time limit for filing objection; and
17 providing an effective date.

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

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

22 Section 34-8. A. When a citizen or citizens desire to
23 circulate a petition initiating a proposition of any nature, whether
24 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

1 before the same is circulated or signed by electors, file a true and
2 exact copy of same in the office of the Secretary of State and shall
3 at the same time file a separate ballot title, which shall not be
4 part of or printed on the petition. The Secretary of State shall
5 charge and collect a filing fee of One Thousand Dollars (\$1,000.00);
6 provided, the total fee shall be reimbursed upon qualification of
7 the proposed petition to be placed on a ballot pursuant to the
8 requirements of this title.

9 B. It shall be the duty of the Secretary of State to cause to
10 be published, in at least one newspaper of general circulation in
11 the state, a notice of such filing and the apparent sufficiency or
12 insufficiency of the petition, and shall include notice that any
13 citizen or citizens of the state may file a protest as to the
14 constitutionality of the petition, by a written notice to the
15 Supreme Court and to the proponent or proponents filing the
16 petition. Any such protest must be filed within ~~ten (10) business~~
17 ninety (90) days after publication. A copy of the protest shall be
18 filed with the Secretary of State.

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

23 D. A protest filed by anyone hereunder may, if abandoned by the
24 party filing same, be revived within five (5) business days by any

1 other citizen. After such hearing the Supreme Court shall decide
2 whether such petition is in the form required by the statutes. If
3 the Court is at the time adjourned, the Chief Justice shall
4 immediately convene the same for such hearing. No objection to the
5 sufficiency shall be considered unless it has been made and filed as
6 herein provided.

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

1 initiative petition, any time before the final submission of
2 signatures, may withdraw the initiative petition upon written
3 notification to the Secretary of State.

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

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

- 12 1. All signed petitions have already been filed with the
13 Secretary of State;
- 14 2. No more petitions are in circulation; and
- 15 3. The proponents will not circulate any more petitions.

16 If the Secretary of State receives such a certification from the
17 proponents, the Secretary of State shall begin the counting and
18 review process.

19 H. When the signed copies of a petition pamphlet are timely
20 filed, the Secretary of State shall file a copy of the proponent's
21 ballot title with the Attorney General and, after conducting a count
22 and review of the filed, signed petition pamphlets, the Secretary of
23 State shall certify to the Supreme Court of the state:

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

3 2. The total number of votes cast for the state office
4 receiving the highest number of votes cast at the last general
5 election.

6 The Supreme Court shall make the determination of the numerical
7 sufficiency or insufficiency of the signatures counted and reviewed
8 by the Secretary of State.

9 I. Upon order of the Supreme Court it shall be the duty of the
10 Secretary of State to forthwith cause to be published, in at least
11 one newspaper of general circulation in the state, a notice of the
12 filing of the signed petitions and the apparent sufficiency or
13 insufficiency thereof, and shall also publish the text of the ballot
14 title as reviewed and approved or, if applicable, as rewritten by
15 the Attorney General pursuant to the provisions of subsection D of
16 Section 9 of this title and notice that any citizen or citizens of
17 the state may file an objection to the count made by the Secretary
18 of State, by a written notice to the Supreme Court and to the
19 proponent or proponents filing the petition. Any such objection
20 must be filed within ~~ten (10) business~~ ninety (90) days after
21 publication and must relate only to the validity or number of the
22 signatures or a challenge to the ballot title. A copy of the
23 objection to the count or ballot title shall be filed with the
24 Supreme Court, the Attorney General and the Secretary of State.

1 J. Upon appeal and if ordered or directed by the Supreme Court,
2 the Secretary of State shall deliver the bound volumes of signatures
3 to the Supreme Court.

4 K. Upon the filing of an objection to the signature count or
5 ballot title, the Supreme Court shall resolve the objection with
6 dispatch. The Supreme Court shall adopt rules to govern proceedings
7 to apply to the challenge of a measure on the grounds that the
8 proponents failed to gather sufficient signatures.

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

13 M. Whenever reference is made in this act to the Supreme Court,
14 such reference shall include the members of the Supreme Court, or
15 any officer constitutionally designated to perform the duties herein
16 prescribed.

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

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