

1 ENGROSSED HOUSE
2 BILL NO. 1767

By: Roberts (Eric) and Kendrix
of the House

3 and

4 Jett of the Senate

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8 [initiative and referendum - modifying certain
9 ballot title requirements - effective date]
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12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 34 O.S. 2011, Section 9, as last
14 amended by Section 1, Chapter 281, O.S.L. 2018 (34 O.S. Supp. 2020,
15 Section 9), is amended to read as follows:

16 Section 9. A. When a referendum is ordered by petition of the
17 people against any measure passed by the Legislature or when any
18 measure is proposed by initiative petition, whether as an amendment
19 to the Constitution or as a statute, it shall be the duty of the
20 parties submitting the measure to prepare and file one copy of the
21 measure with the Secretary of State and one copy with the Attorney
22 General.

23 B. The parties submitting the measure shall also submit a
24 suggested ballot title to the Secretary of State which shall be

1 filed on a separate sheet of paper and shall not be part of or
2 printed on the petition. The suggested ballot title:

3 1. Shall not exceed two hundred words or three hundred words if
4 the proposed measure will have a fiscal impact on the state;

5 2. Shall explain in basic words, which can be easily found in
6 dictionaries of general usage, the effect of the proposition;

7 3. Shall not contain any words which have a special meaning for
8 a particular profession or trade not commonly known to the citizens
9 of this state;

10 4. Shall not reflect partiality in its composition or contain
11 any argument for or against the measure;

12 5. Shall contain language which clearly states that a "yes"
13 vote is a vote in favor of the proposition and a "no" vote is a vote
14 against the proposition; ~~and~~

15 6. Shall not contain language whereby a "yes" vote is, in fact,
16 a vote against the proposition and a "no" vote is, in fact, a vote
17 in favor of the proposition; and

18 7. Shall contain the language required by subsection E of this
19 section if applicable.

20 C. When a measure is proposed as a constitutional amendment by
21 the Legislature or when the Legislature proposes a statute
22 conditioned upon approval by the people:

23 1. After final passage of a measure, the Secretary of State
24 shall submit the proposed ballot title to the Attorney General for

1 review as to legal correctness. Within five (5) business days after
2 receipt from the Secretary of State, the Attorney General shall, in
3 writing, notify the Secretary of State, the President Pro Tempore of
4 the Senate, the Speaker of the House of Representatives and the
5 principal authors of the bill whether or not the proposed ballot
6 title complies with applicable laws. The Attorney General shall
7 state with specificity any and all defects found and, if necessary,
8 within ten (10) business days of determining that the proposed
9 ballot title is defective, prepare a preliminary ballot title which
10 complies with the law and furnish a copy of such ballot title to the
11 Secretary of State, the President Pro Tempore of the Senate, the
12 Speaker of the House of Representatives and the principal authors of
13 the bill. The Attorney General may consider any comments made by
14 the President Pro Tempore of the Senate or the Speaker of the House
15 of Representatives submitted within five (5) business days of their
16 being furnished a copy of the preliminary ballot title. The
17 Attorney General shall respond in writing to the comments and shall
18 file a final ballot title with the Secretary of State no later than
19 fifteen (15) business days after furnishing the preliminary ballot
20 title; and

21 2. After receipt of the measure and the official ballot title,
22 as certified by the Attorney General, the Secretary of State shall
23 within five (5) days transmit to the Secretary of the State Election
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1 Board an attested copy of the measure, including the official ballot
2 title.

3 D. The following procedure shall apply to ballot titles of
4 referendums ordered by a petition of the people or any measure
5 proposed by an initiative petition:

6 1. After the filing of the signed referendum petitions or the
7 signed initiative petitions, the Secretary of State shall submit the
8 proposed separate ballot title to the Attorney General for review as
9 to legal correctness. Within five (5) business days after the
10 receipt of the ballot title, the Attorney General shall, in writing,
11 notify the Secretary of State whether or not the proposed ballot
12 title complies with applicable laws. The Attorney General shall
13 state with specificity any and all defects found and, if necessary,
14 within ten (10) business days of determining that the proposed
15 ballot title is defective, prepare and file a ballot title which
16 complies with the law; and

17 2. Within ten (10) business days after completion of the review
18 and, if necessary, the filing of a ballot title in compliance with
19 law, by the Attorney General, the Secretary of State shall, if no
20 appeal is filed, transmit to the Secretary of the State Election
21 Board an attested copy of the measure, including the official ballot
22 title, and a certification that the requirements of this section
23 have been met. If an appeal is taken from such ballot title within
24 the time specified in Section 10 of this title, then the Secretary

1 of State shall certify to the Secretary of the State Election Board
2 the ballot title which is finally approved by the Supreme Court.

3 E. Any question to be submitted to a vote of the people,
4 whether pursuant to an initiative petition, a referendum petition
5 with respect to an enacted statute, or pursuant to a referred
6 measure by the Legislature, that would have the effect of increasing
7 the funding requirements of any department of state government,
8 including the legislative, the executive or judicial departments, or
9 any combination of such departments, shall contain a clear
10 statement, in language understandable by a reasonable person, that
11 if the proposal is approved, additional funding would be required by
12 the applicable department or departments of state government.

13 SECTION 2. This act shall become effective November 1, 2021.

14 Passed the House of Representatives the 2nd day of March, 2021.

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17 Presiding Officer of the House
18 of Representatives

19 Passed the Senate the ___ day of _____, 2021.

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22 Presiding Officer of the Senate
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