

An Act

ENROLLED HOUSE
BILL NO. 2827

By: Echols of the House

and

Dahm of the Senate

An Act relating to initiative and referendum; amending 34 O.S. 2011, Section 9, as amended by Section 5, Chapter 193, O.S.L. 2015 (34 O.S. Supp. 2017, Section 9), which relates to ballot titles; modifying procedures for ballot titles of certain referendums and petitions; and providing an effective date.

SUBJECT: Initiative and referendum

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

SECTION 1. AMENDATORY 34 O.S. 2011, Section 9, as amended by Section 5, Chapter 193, O.S.L. 2015 (34 O.S. Supp. 2017, Section 9), is amended to read as follows:

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

B. The parties submitting the measure shall also submit a suggested ballot title to the Secretary of State which shall be filed on a separate sheet of paper and shall not be part of or printed on the petition. The suggested ballot title:

1. Shall not exceed two hundred ~~(200)~~ words;

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

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

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

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

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

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

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

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

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

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

2. Within ten (10) business days after ~~publication of the notice required by subsection I of Section 8 of this title~~ completion of the review and, if necessary, the filing of a ballot title in compliance with law, by the Attorney General, the Secretary of State shall, if no appeal is filed, transmit to the Secretary of the State Election Board an attested copy of the measure, including the official ballot title, and a certification that the requirements of this section have been met. If an appeal is taken from such ballot title within the time specified in Section 10 of this title, then the Secretary of State shall certify to the Secretary of the State Election Board the ballot title which is finally approved by the Supreme Court.

SECTION 2. This act shall become effective November 1, 2018.

Passed the House of Representatives the 3rd day of May, 2018.

Presiding Officer of the House
of Representatives

Passed the Senate the 4th day of April, 2018.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____
day of _____, 20_____, at _____ o'clock _____ M.
By: _____

Approved by the Governor of the State of Oklahoma this _____
day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____
day of _____, 20_____, at _____ o'clock _____ M.
By: _____