

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 1011

By: Paxton

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5
6 AS INTRODUCED

7 An Act relating to initiative and referendum;
8 amending 34 O.S. 2011, Section 8, as last amended by
9 Section 8, Chapter 125, O.S.L. 2020 (34 O.S. Supp.
10 2020, Section 8), which relates to filing of proposed
11 petition; imposing filing fee for certain petitions;
12 providing for reimbursement of filing fee under
13 certain circumstances; and providing an effective
14 date.

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

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

19 Section 8. A. When a citizen or citizens desire to circulate a
20 petition initiating a proposition of any nature, whether to become a
21 statute law or an amendment to the Constitution, or for the purpose
22 of invoking a referendum upon legislative enactments, such citizen
23 or citizens shall, when such petition is prepared, and before the
24 same is circulated or signed by electors, file a true and exact copy
25 of same in the office of the Secretary of State and shall at the
26 same time file a separate ballot title, which shall not be part of

1 or printed on the petition. The Secretary of State shall charge and
2 collect a filing fee of One Thousand Dollars (\$1,000.00); provided,
3 the total fee shall be reimbursed upon qualification of the proposed
4 petition to be placed on a ballot pursuant to the requirements of
5 this title.

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

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

20 D. A protest filed by anyone hereunder may, if abandoned by the
21 party filing same, be revived within five (5) business days by any
22 other citizen. After such hearing the Supreme Court shall decide
23 whether such petition is in the form required by the statutes. If
24 the Court is at the time adjourned, the Chief Justice shall

1 immediately convene the same for such hearing. No objection to the
2 sufficiency shall be considered unless it has been made and filed as
3 herein provided.

4 E. Signature-gathering Deadline for Initiative Petitions. When
5 an initiative petition has been filed in the office of the Secretary
6 of State and all appeals, protests and rehearings have been resolved
7 or the period for such has expired, the Secretary of State shall set
8 the date for circulation of signatures for the petition to begin but
9 in no event shall the date be less than fifteen (15) days nor more
10 than thirty (30) days from the date when all appeals, protests and
11 rehearings have been resolved or have expired. Notification shall
12 be sent to the proponents specifying the date on which circulation
13 of the petition shall begin and that the signatures are due within
14 ninety (90) days of the date set. Each elector shall sign his or
15 her name and legibly print his or her name, birth date and address
16 associated with his or her Oklahoma voter registration record. Any
17 petition not filed in accordance with this provision shall not be
18 considered. The proponents of an initiative petition, any time
19 before the final submission of signatures, may withdraw the
20 initiative petition upon written notification to the Secretary of
21 State.

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

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

- 6 1. All signed petitions have already been filed with the
7 Secretary of State;
- 8 2. No more petitions are in circulation; and
- 9 3. The proponents will not circulate any more petitions.

10 If the Secretary of State receives such a certification from the
11 proponents, the Secretary of State shall begin the counting and
12 review process.

13 H. When the signed copies of a petition pamphlet are timely
14 filed, the Secretary of State shall file a copy of the proponent's
15 ballot title with the Attorney General and, after conducting a count
16 and review of the filed, signed petition pamphlets, the Secretary of
17 State shall certify to the Supreme Court of the state:

- 18 1. The total number of signatures counted pursuant to
19 procedures set forth in this title; and
- 20 2. The total number of votes cast for the state office
21 receiving the highest number of votes cast at the last general
22 election.

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1 The Supreme Court shall make the determination of the numerical
2 sufficiency or insufficiency of the signatures counted and reviewed
3 by the Secretary of State.

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

20 J. Upon appeal and if ordered or directed by the Supreme Court,
21 the Secretary of State shall deliver the bound volumes of signatures
22 to the Supreme Court.

23 K. Upon the filing of an objection to the signature count or
24 ballot title, the Supreme Court shall resolve the objection with
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1 dispatch. The Supreme Court shall adopt rules to govern proceedings
2 to apply to the challenge of a measure on the grounds that the
3 proponents failed to gather sufficient signatures.

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

8 M. Whenever reference is made in this act to the Supreme Court,
9 such reference shall include the members of the Supreme Court or any
10 officer constitutionally designated to perform the duties herein
11 prescribed.

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

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