

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1565

By: Kirt

AS INTRODUCED

An Act relating to initiative and referendum; amending 34 O.S. 2021, Sections 2 and 8, which relate to proposed petitions; increasing applicable time period on certain form; increasing time period for collection of certain signatures; increasing time period for termination of certain circulation; making language gender neutral; and providing an effective date.

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

SECTION 1. AMENDATORY 34 O.S. 2021, Section 2, is amended to read as follows:

Section 2. A. The form of initiative petition shall be substantially as follows:

INITIATIVE PETITION

To the Honorable _____, Governor of Oklahoma (or To the Honorable _____, Mayor, Chairman of County Commissioners, or other chief executive officers, as the case may be, for the city, county or other municipality): We, the undersigned legal voters of the State of Oklahoma (and of the district of _____, county of _____, or city of _____, as the case

1 may be), respectfully order that the following proposed law (or
2 amendment to the constitution, ordinance, or amendment to the city
3 charter, as the case may be) shall be submitted to the legal voters
4 of the State of Oklahoma (or of the district of _____,
5 county of _____, or city of _____, as the case may
6 be) for their approval or rejection at the regular general election
7 (or regular or special city election), to be held on the ____ day
8 of _____, 20__, and each for himself or herself says: I have
9 personally signed this petition; I am a legal voter of the State of
10 Oklahoma (and of the district of _____, county of
11 _____, city of _____, as the case may be); the
12 following data points shall be included on the form: the voter's
13 first name, last name, zip code, house number, and numerical month
14 and day of my birth. The time for filing this petition expires
15 ~~ninety (90)~~ one hundred eighty (180) days from (Secretary of State
16 to insert assigned date when petition is to begin signature
17 circulation). (This for State initiative. For county, city, or
18 other municipality the length of time shall be ninety (90) days.)
19 The question we herewith submit to our fellow voters is: Shall the
20 following bill (or proposed amendment to the Constitution or
21 resolution) be approved? (Insert here an exact copy of the text of
22 the measure followed by proponents of record (not to exceed three
23 signatures, complete printed name and address associated with his or
24 her Oklahoma voter registration record).)

1 B. In order for the signature to be approved by the Secretary
2 of State, three or more data points described in subsection A of
3 this section must be matched to the voter registration file.

4 SECTION 2. AMENDATORY 34 O.S. 2021, Section 8, is
5 amended to read as follows:

6 Section 8. A. When a citizen or citizens desire to circulate a
7 petition initiating a proposition of any nature, whether to become a
8 statute law or an amendment to the Constitution, or for the purpose
9 of invoking a referendum upon legislative enactments, such citizen
10 or citizens shall, when such petition is prepared, and before the
11 same is circulated or signed by electors, file a true and exact copy
12 of same in the office of the Secretary of State and shall at the
13 same time file a separate ballot title, which shall not be part of
14 or printed on the petition.

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

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

5 D. A protest filed by anyone hereunder may, if abandoned by the
6 party filing same, be revived within five (5) business days by any
7 other citizen. After such hearing the Supreme Court shall decide
8 whether such petition is in the form required by the statutes. If
9 the Court is at the time adjourned, the Chief Justice shall
10 immediately convene the same for such hearing. No objection to the
11 sufficiency shall be considered unless it has been made and filed as
12 herein provided.

13 E. Signature-gathering Deadline for Initiative Petitions. When
14 an initiative petition has been filed in the office of the Secretary
15 of State and all appeals, protests and rehearings have been resolved
16 or the period for such has expired, the Secretary of State shall set
17 the date for circulation of signatures for the petition to begin but
18 in no event shall the date be less than fifteen (15) days nor more
19 than thirty (30) days from the date when all appeals, protests and
20 rehearings have been resolved or have expired. Notification shall
21 be sent to the proponents specifying the date on which circulation
22 of the petition shall begin and that the signatures are due within
23 ~~ninety (90)~~ one hundred eighty (180) days of the date set. Each
24 elector shall sign his or her name and legibly print his or her

1 name, birth date and address associated with his or her Oklahoma
2 voter registration record. Any petition not filed in accordance
3 with this provision shall not be considered. The proponents of an
4 initiative petition, any time before the final submission of
5 signatures, may withdraw the initiative petition upon written
6 notification to the Secretary of State.

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

12 G. The proponents of a referendum ~~or an initiative~~ petition may
13 terminate the circulation period any time during the ninety-day
14 circulation period, or the proponents of the initiative petition may
15 terminate the circulation period any time during the one hundred
16 eighty-day circulation period, by certifying to the Secretary of
17 State that:

- 18 1. All signed petitions have already been filed with the
19 Secretary of State;
- 20 2. No more petitions are in circulation; and
- 21 3. The proponents will not circulate any more petitions.

22 If the Secretary of State receives such a certification from the
23 proponents, the Secretary of State shall begin the counting and
24 review process.

1 H. When the signed copies of a petition pamphlet are timely
2 filed, the Secretary of State shall file a copy of the proponent's
3 ballot title with the Attorney General and, after conducting a count
4 and review of the filed, signed petition pamphlets, the Secretary of
5 State shall certify to the Supreme Court of the state:

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

8 2. The total number of votes cast for the state office
9 receiving the highest number of votes cast at the last general
10 election.

11 The Supreme Court shall make the determination of the numerical
12 sufficiency or insufficiency of the signatures counted and reviewed
13 by the Secretary of State.

14 I. Upon order of the Supreme Court it shall be the duty of the
15 Secretary of State to forthwith cause to be published, in at least
16 one newspaper of general circulation in the state, a notice of the
17 filing of the signed petitions and the apparent sufficiency or
18 insufficiency thereof, and shall also publish the text of the ballot
19 title as reviewed and approved or, if applicable, as rewritten by
20 the Attorney General pursuant to the provisions of subsection D of
21 Section 9 of this title and notice that any citizen or citizens of
22 the state may file an objection to the count made by the Secretary
23 of State, by a written notice to the Supreme Court and to the
24 proponent or proponents filing the petition. Any such objection

1 must be filed within ten (10) business days after publication and
2 must relate only to the validity or number of the signatures or a
3 challenge to the ballot title. A copy of the objection to the count
4 or ballot title shall be filed with the Supreme Court, the Attorney
5 General and the Secretary of State.

6 J. Upon appeal and if ordered or directed by the Supreme Court,
7 the Secretary of State shall deliver the bound volumes of signatures
8 to the Supreme Court.

9 K. Upon the filing of an objection to the signature count or
10 ballot title, the Supreme Court shall resolve the objection with
11 dispatch. The Supreme Court shall adopt rules to govern proceedings
12 to apply to the challenge of a measure on the grounds that the
13 proponents failed to gather sufficient signatures.

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

18 M. Whenever reference is made in this act to the Supreme Court,
19 such reference shall include the members of the Supreme Court or any
20 officer constitutionally designated to perform the duties herein
21 prescribed.

22 SECTION 3. This act shall become effective November 1, 2024.
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