

1 **SENATE FLOOR VERSION**

2 February 25, 2015

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 158

By: Griffin

6
7 **[initiative and referendum - petitions - appeals and
8 publication - repealer - effective date]**

9
10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 1. AMENDATORY 34 O.S. 2011, Section 1, is
12 amended to read as follows:

13 The referendum petition shall be substantially as follows:

14 PETITION FOR REFERENDUM

15 To the Honorable _____, Governor of Oklahoma (or To the
16 Honorable _____, Mayor, Chairman of County Commissioners, or
17 other chief executive officer, as the case may be, of the city,
18 county or other municipal corporation of _____):

19 We, the undersigned legal voters of the State of Oklahoma (or
20 district of _____, county of _____, or city of
21 _____, as the case may be), respectfully order that Senate
22 (or House) Bill No. _____ (or ordinance No. _____),
23 entitled (title of Act, and if the petition is against less than the
24 whole Act, then set forth here the part or parts on which the

1 referendum is sought), passed by the _____ Legislature of the
2 State of Oklahoma, at the regular (or special) session of said
3 legislature, shall be referred to the people of the State (district
4 of _____, county of _____, or city of _____, as
5 the case may be) for their approval or rejection at the regular (or
6 special) election to be held on the _____ day of _____, 19
7 20 __, and each for himself says: I have personally signed this
8 petition; I am a legal voter of the State of Oklahoma (and district
9 of _____, county of _____, or city of _____, as
10 the case may be); my residence or post office are correctly written
11 after my name.

12 Referendum petitions shall be filed with the Secretary of State
13 not more than ninety (90) days after the final adjournment of the
14 session of the legislature which passed the bill on which the
15 referendum is demanded. (For county, city or other municipality the
16 length of time shall be thirty (30) days.)

17 The question we herewith submit to our fellow voters is: Shall
18 the following bill of the legislature (or ordinance or resolution--
19 local legislation) be approved? (Insert here an exact copy of the
20 ~~title and~~ text of the measure.)

21 Name and Address of Proponents (not to exceed three)

22 Name _____ Residence _____ Post Office _____

23 If in city, street and number.

24 (Here follow twenty numbered lines for signatures.)

1 SECTION 2. AMENDATORY 34 O.S. 2011, Section 2, is
2 amended to read as follows:

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

5 INITIATIVE PETITION

6 To the Honorable _____, Governor of Oklahoma (or To the
7 Honorable _____, Mayor, Chairman of County Commissioners,
8 or other chief executive officers, as the case may be, for the city,
9 county or other municipality): We, the undersigned legal voters of
10 the State of Oklahoma (and of the district of _____,
11 county of _____, or city of _____, as the case
12 may be), respectfully order that the following proposed law (or
13 amendment to the constitution, ordinance, or amendment to the city
14 charter, as the case may be) shall be submitted to the legal voters
15 of the State of Oklahoma (or of the district of _____,
16 county of _____, or city of _____, as the case may
17 be) for their approval or rejection at the regular general election
18 (or regular or special city election), to be held on the ____ day
19 of _____, ~~19~~ 20 __, and each for himself says: I have
20 personally signed this petition; I am a legal voter of the State of
21 Oklahoma (and of the district of _____, county of
22 _____, city of _____, as the case may be); my
23 residence or post office are correctly written after my name. The
24 time for filing this petition expires ninety (90) days from (insert

1 date when petition is to be opened for signatures). (This for State
2 initiative. For county, city, or other municipality the length of
3 time shall be ninety (90) days.) The question we herewith submit to
4 our fellow voters is: Shall the following bill (or proposed
5 amendment to the Constitution or resolution) be approved? (Insert
6 here an exact copy of the ~~title and~~ text of the measure.)

7 Name and Address of Proponents (not to exceed three)

8 Name _____ Residence _____ Post Office _____

9 If in the city, street and number.

10 (Here follow twenty numbered lines for signatures.)

11 SECTION 3. AMENDATORY 34 O.S. 2011, Section 6, is
12 amended to read as follows:

13 Section 6. Each sheet of every such petition containing
14 signatures shall be verified on the back thereof, in substantially
15 the following form, by the person who circulated said sheet of said
16 petition, by his or her affidavit thereon and as a part thereof.

17 State of Oklahoma,)

18) ss.

19 County of _____)

20 I, _____, being first duly sworn, say: That I am a ~~qualified~~
21 ~~elector of the State of Oklahoma~~ at least twenty-one (21) years old
22 and that (Here shall be legibly written or typewritten the names of
23 the signers of the sheet), signed this sheet of the foregoing
24 petition, and each of them signed his name thereto in my presence; I

1 believe that each has stated his name, post office address, and
2 residence correctly, and that each signer is a legal voter of the
3 State of Oklahoma and county of _____ or of the city of _____ (as
4 the case may be). (Signature and postoffice address of affiant.)
5 Subscribed and sworn to before me this _____ day of _____ A.D.
6 ~~19~~ 20 __.

7 (Signature and title of the officer before whom oath is made,
8 and his post office address.)

9 SECTION 4. AMENDATORY 34 O.S. 2011, Section 8, is
10 amended to read as follows:

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

20 B. It shall be the duty of the Secretary of State to cause to
21 be published, in at least one newspaper of general circulation in
22 the state, a notice of such filing and the apparent sufficiency or
23 insufficiency of the petition. ~~Such publication shall include the~~
24 ~~text of the ballot title as reviewed or, if applicable, as~~

1 ~~rewritten, by the Attorney General pursuant to the provisions of~~
2 ~~subsection D of Section 9 of this title,~~ and shall include notice
3 that any citizen or citizens of the state may file a protest as to
4 the constitutionality of the petition, by a written notice to the
5 Supreme Court and to the proponent or proponents filing the
6 petition, ~~or as to the ballot title as provided in Section 10 of~~
7 ~~this title.~~ Any such protest must be filed within ten (10) business
8 days after publication. A copy of the protest shall be filed with
9 the Secretary of State.

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

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

22 E. ~~Within ninety (90) days after such filing of~~ Signature-
23 gathering Deadline for Initiative Petitions. When an initiative
24 petition ~~or determination of the sufficiency of the petition by the~~

1 ~~Supreme Court as provided in this section, whichever is later, the~~
2 ~~signed copies thereof shall be~~ has been filed with in the office of
3 the Secretary of State, ~~but the signed copies of a referendum~~
4 ~~petition shall be filed with~~ and all appeals, protests, and
5 rehearings have been resolved or the period for such has expired,
6 the Secretary of State shall set the date for circulation of
7 signatures for the petition to begin, but in no event shall the date
8 be less than fifteen (15) days nor more than thirty (30) days from
9 the date when all appeals, protests, and rehearings have been
10 resolved or have expired. Notification shall be sent to the
11 proponents specifying the date on which circulation of the petition
12 shall begin and that the signatures are due within ninety (90) days
13 ~~after the adjournment of the Legislature enacting the measure on~~
14 ~~which the referendum is invoked or determination of the sufficiency~~
15 ~~of the petition by the Supreme Court as provided in this section,~~
16 ~~whichever is later~~ of the date set. Each elector shall sign his or
17 her legally-registered name, address or post office box, and the
18 name of the county of residence. Any petition not filed in
19 accordance with this provision shall not be considered. The
20 proponents of ~~a referendum or~~ an initiative petition, any time
21 before the final submission of signatures, may withdraw the
22 ~~referendum or~~ initiative petition upon written notification to the
23 Secretary of State.

24

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

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

9 1. All signed petitions have already been filed with the
10 Secretary of State;

11 2. No more petitions are in circulation; and

12 3. The proponents will not circulate any more petitions.

13 If the Secretary of State receives such a certification from the
14 proponents, the Secretary of State shall begin the counting process.

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

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

22 2. The total number of votes cast for the state office
23 receiving the highest number of votes cast at the last general
24 election.

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

4 ~~H.~~ I. Upon order of the Supreme Court it shall be the duty of
5 the Secretary of State to forthwith cause to be published, in at
6 least one newspaper of general circulation in the state, a notice of
7 the 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, ~~and notice shall also be given~~
20 ~~to the Secretary of State.~~

21 ~~H.~~ J. The Secretary of State shall deliver the bound volumes of
22 signatures to the Supreme Court.

23 ~~J.~~ K. Upon the filing of an objection to the signature count or
24 ballot title, the Supreme Court shall resolve the objection with

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

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

12 SECTION 5. AMENDATORY 34 O.S. 2011, Section 9, is
13 amended to read as follows:

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

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

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

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

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

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

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

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

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

18 1. After final passage of a measure, the Secretary of State
19 shall submit the proposed ballot title to the Attorney General for
20 review as to legal correctness. Within five (5) business days after
21 receipt from the Secretary of State, the Attorney General shall, in
22 writing, notify the Secretary of State, the President Pro Tempore of
23 the Senate, the Speaker of the House of Representatives and the
24 principal authors of the bill whether or not the proposed ballot

1 title complies with applicable laws. The Attorney General shall
2 state with specificity any and all defects found and, if necessary,
3 within ten (10) business days of determining that the proposed
4 ballot title is defective, prepare a preliminary ballot title which
5 complies with the law and furnish a copy of such ballot title to the
6 Secretary of State, the President Pro Tempore of the Senate, the
7 Speaker of the House of Representatives and the principal authors of
8 the bill. The Attorney General may consider any comments made by
9 the President Pro Tempore of the Senate or the Speaker of the House
10 of Representatives ~~and~~ submitted within five (5) business days of
11 their being furnished a copy of the preliminary ballot title. The
12 Attorney General shall respond in writing to the comments and shall
13 file a final ballot title with the Secretary of State ~~no sooner than~~
14 ~~ten (10) business days and~~ no later than fifteen (15) business days
15 after furnishing the preliminary ballot title; and

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

21 D. The following procedure shall apply to ballot titles of
22 referendums ordered by a petition of the people or any measure
23 proposed by an initiative petition:
24

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

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

24

1 SECTION 6. AMENDATORY 34 O.S. 2011, Section 10, is
2 amended to read as follows:

3 Section 10. A. Any person who is dissatisfied with the wording
4 of a ballot title may, within ten (10) business days after the same
5 is published by the Secretary of State as provided for in subsection
6 ~~B I~~ of Section 8 of this title, appeal to the Supreme Court by
7 petition in which shall be offered a substitute ballot title for the
8 one from which the appeal is taken. Upon the hearing of such
9 appeal, the court may correct or amend the ballot title before the
10 court, or accept the substitute suggested, or may draft a new one
11 which will conform to the provisions of Section 9 of this title.

12 B. No such appeal shall be allowed as to the ballot title of
13 constitutional and legislative enactments proposed by the
14 Legislature.

15 SECTION 7. AMENDATORY 34 O.S. 2011, Section 11, is
16 amended to read as follows:

17 Section 11. Notice of the appeal provided for in the preceding
18 section shall be served upon the Attorney General and upon the party
19 who filed such ballot title, or on any of such parties, at least
20 five (5) business days before such appeal is heard by the court.
21 The Attorney General shall, and any citizen interested may, defend
22 the ballot title from which the appeal is taken. Other procedure
23 upon such appeals shall be the same as is prescribed for appeals
24 from petitions filed as set forth in Section 8 of this title.

1 SECTION 8. AMENDATORY 34 O.S. 2011, Section 17, is
2 amended to read as follows:

3 Section 17. It shall be the duty of the Secretary of State, not
4 less than five (5) business days before any election held throughout
5 the state at which any proposed law, part of an act, or amendment to
6 the constitution is to be submitted to the people of the state for
7 their approval or rejection, to cause to be published once in two
8 different newspapers of general statewide circulation and in a
9 newspaper of general circulation in each county, a copy of all
10 ballots on initiated and referred questions, measures, and
11 constitutional amendments, and an explanation of how to vote for or
12 against propositions. The Secretary of State shall designate the
13 newspapers in which the publication shall be made. The publication
14 shall be paid for at the legal rate for other publications, out of
15 any funds of the state appropriated therefor.

16 SECTION 9. REPEALER 34 O.S. 2011, Section 3.1, is hereby
17 repealed.

18 SECTION 10. This act shall become effective November 1, 2015.

19 COMMITTEE REPORT BY: COMMITTEE ON RULES
20 February 25, 2015 - DO PASS AS AMENDED

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