

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE BILL 459

By: Dahm

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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 amended by
9 Section 4, Chapter 193, O.S.L. 2015 (34 O.S. Supp.
10 2016, Section 8), which relates to petition and
11 ballot title requirements; modifying circumstances
12 after which Secretary of State must set date for
13 petition circulation; modifying date range; and
14 providing an effective date.

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

16 SECTION 1. AMENDATORY 34 O.S. 2011, Section 8, as
17 amended by Section 4, Chapter 193, O.S.L. 2015 (34 O.S. Supp. 2016,
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
of same in the office of the Secretary of State and shall at the

1 same time file a separate ballot title, which shall not be part of
2 or printed on the petition.

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

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

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

1 E. Signature-gathering Deadline for Initiative Petitions. When
2 an initiative petition has been filed in the office of the Secretary
3 of State and all appeals, protests and rehearings have been resolved
4 or the period for such has expired, and the ballot title process is
5 complete, the Secretary of State shall set the date for circulation
6 of signatures for the petition to begin but in no event shall the
7 date be less than ~~fifteen (15)~~ three (3) days nor more than ~~thirty~~
8 ~~(30)~~ ten (10) days from the date when all appeals, protests and
9 rehearings have been resolved or have expired. Notification shall
10 be sent to the proponents specifying the date on which circulation
11 of the petition shall begin and that the signatures are due within
12 ninety (90) days of the date set. Each elector shall sign his or
13 her legally registered name, address or post office box, and the
14 name of the county of residence. Any petition not filed in
15 accordance with this provision shall not be considered. The
16 proponents of an initiative petition, any time before the final
17 submission of signatures, may withdraw the initiative petition upon
18 written notification to the Secretary of State.

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

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

4 1. All signed petitions have already been filed with the
5 Secretary of State;

6 2. No more petitions are in circulation; and

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

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

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

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

17 2. The total number of votes cast for the state office
18 receiving the highest number of votes cast at the last general
19 election.

20 The Supreme Court shall make the determination of the numerical
21 sufficiency or insufficiency of the signatures counted by the
22 Secretary of State.

23 I. Upon order of the Supreme Court it shall be the duty of the
24 Secretary of State to forthwith cause to be published, in at least

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

15 J. The Secretary of State shall deliver the bound volumes of
16 signatures to the Supreme Court.

17 K. Upon the filing of an objection to the signature count or
18 ballot title, the Supreme Court shall resolve the objection with
19 dispatch. The Supreme Court shall adopt rules to govern proceedings
20 to apply to the challenge of a measure on the grounds that the
21 proponents failed to gather sufficient signatures.

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

3 M. Whenever reference is made in this ~~act~~ section to the
4 Supreme Court, such reference shall include the members of the
5 Supreme Court or any officer constitutionally designated to perform
6 the duties herein prescribed.

7 SECTION 2. This act shall become effective November 1, 2017.

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