

1 STATE OF OKLAHOMA

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

3 SENATE BILL 506

By: Paxton

4  
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 proposed petition  
and protest; increasing time limitation for filing  
11 certain protest or objection; and providing an  
12 effective date.

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

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

17 Section 8. A. When a citizen or citizens desire to circulate a  
18 petition initiating a proposition of any nature, whether to become a  
19 statute law or an amendment to the Constitution, or for the purpose  
20 of invoking a referendum upon legislative enactments, such citizen  
21 or citizens shall, when such petition is prepared, and before the  
22 same is circulated or signed by electors, file a true and exact copy  
23 of same in the office of the Secretary of State and shall at the  
24

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)~~ twenty  
11 (20) business days after publication. A copy of the protest shall  
12 be filed with 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, the Secretary of State shall set  
5 the date for circulation of signatures for the petition to begin but  
6 in no event shall the date be less than fifteen (15) days nor more  
7 than thirty (30) days from the date when all appeals, protests and  
8 rehearings have been resolved or have expired. Notification shall  
9 be sent to the proponents specifying the date on which circulation  
10 of the petition shall begin and that the signatures are due within  
11 ninety (90) days of the date set. Each elector shall sign his or  
12 her name and legibly print his or her name, birth date and address  
13 associated with his or her Oklahoma voter registration record. Any  
14 petition not filed in accordance with this provision shall not be  
15 considered. The proponents of an initiative petition, any time  
16 before the final submission of signatures, may withdraw the  
17 initiative petition upon written notification to the Secretary of  
18 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.  
24

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 and  
10 review process.

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

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

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

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

1 I. Upon order of the Supreme Court it shall be the duty of the  
2 Secretary of State to forthwith cause to be published, in at least  
3 one newspaper of general circulation in the state, a notice of the  
4 filing of the signed petitions and the apparent sufficiency or  
5 insufficiency thereof, and shall also publish the text of the ballot  
6 title as reviewed and approved or, if applicable, as rewritten by  
7 the Attorney General pursuant to the provisions of subsection D of  
8 Section 9 of this title and notice that any citizen or citizens of  
9 the state may file an objection to the count made by the Secretary  
10 of State, by a written notice to the Supreme Court and to the  
11 proponent or proponents filing the petition. Any such objection  
12 must be filed within ~~ten (10)~~ twenty (20) business days after  
13 publication and must relate only to the validity or number of the  
14 signatures or a challenge to the ballot title. A copy of the  
15 objection to the count or ballot title shall be filed with the  
16 Supreme Court, the Attorney General and the Secretary of State.

17 J. Upon appeal and if ordered or directed by the Supreme Court,  
18 the Secretary of State shall deliver the bound volumes of signatures  
19 to the Supreme Court.

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

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

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

58-1-964            TEK            1/20/2021 9:57:01 AM