

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 518

By: Daniels

AS INTRODUCED

An Act relating to initiative and referendum; amending 34 O.S. 2021, Sections 1, 2 and 8, which relate to form, publication, and protest; modifying information required for inclusion on certain forms; authorizing Secretary of State to charge certain filing fee for certain purpose; requiring certain publication on website; requiring notice to certain officers; increasing time period for certain protest or objection; updating statutory language; and declaring an emergency.

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

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

Section 1. A. The referendum petition shall be substantially as follows:

PETITION FOR REFERENDUM

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

1 We, the undersigned legal voters of the State of Oklahoma (or
2 district of _____, county of _____, or city of
3 _____, as the case may be), respectfully order that Senate
4 (or House) Bill No. _____ (or ordinance No. _____),
5 entitled (title of Act, and if the petition is against less than the
6 whole Act, then set forth here the part or parts on which the
7 referendum is sought), passed by the _____ Legislature of the
8 State of Oklahoma, at the regular (or special) session of said
9 legislature, shall be referred to the people of the State (district
10 of _____, county of _____, or city of _____, as
11 the case may be) for their approval or rejection at the regular (or
12 special) election to be held on the _____ day of _____,
13 20__, and each for himself says: I have personally signed this
14 petition; I am a legal voter of the State of Oklahoma (and district
15 of _____, county of _____, or city of _____, as
16 the case may be); the following five data points shall be included
17 on the form: the voter's legal first name, legal last name, zip
18 code, house number and numerical month and day of my birth.

19 Referendum petitions shall be filed with the Secretary of State
20 not more than ninety (90) days after the final adjournment of the
21 session of the legislature which passed the bill on which the
22 referendum is demanded. (For county, city or other municipality the
23 length of time shall be thirty (30) days.)
24

1 The question we herewith submit to our fellow voters is: Shall
2 the following bill of the legislature (or ordinance or resolution--
3 local legislation) be approved? (Insert here an exact copy of the
4 text of the measure followed by proponents of record (not to exceed
5 three signatures, complete printed name and address associated with
6 his or her Oklahoma voter registration record).)

7 B. In order for the signature to be approved by the Secretary
8 of State, ~~three~~ four or more data points described in subsection A
9 of this section must be matched to the voter registration file.

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

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

14 INITIATIVE PETITION

15 To the Honorable _____, Governor of Oklahoma (or To the
16 Honorable _____, Mayor, Chairman of County Commissioners,
17 or other chief executive officers, as the case may be, for the city,
18 county or other municipality): We, the undersigned legal voters of
19 the State of Oklahoma (and of the district of _____,
20 county of _____, or city of _____, as the case
21 may be), respectfully order that the following proposed law (or
22 amendment to the constitution, ordinance, or amendment to the city
23 charter, as the case may be) shall be submitted to the legal voters
24 of the State of Oklahoma (or of the district of _____,

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

20 B. In order for the signature to be approved by the Secretary
21 of State, ~~three~~ four or more data points described in subsection A
22 of this section must be matched to the voter registration file.

23 SECTION 3. AMENDATORY 34 O.S. 2021, Section 8, is
24 amended to read as follows:

25

1 Section 8. A. When a citizen or citizens desire to circulate a
2 petition initiating a proposition of any nature, whether to become a
3 statute law or an amendment to the Constitution, or for the purpose
4 of invoking a referendum upon legislative enactments, such citizen
5 or citizens shall, when such petition is prepared, and before the
6 same is circulated or signed by electors, file a true and exact copy
7 of same in the office of the Secretary of State and shall at the
8 same time file a separate ballot title, which shall not be part of
9 or printed on the petition. The Secretary may charge a filing fee
10 not to exceed Seven Hundred Fifty Dollars (\$750.00) to cover the
11 cost of publication of notice as required by subsection B of this
12 section.

13 B. It shall be the duty of the Secretary of State to cause to
14 be published, on the website of the Office of the Secretary of State
15 and in at least one newspaper of general circulation in the state, a
16 notice of such filing and the apparent sufficiency or insufficiency
17 of the petition, and shall include notice that any citizen or
18 citizens of the state may file a protest as to the constitutionality
19 of the petition, by a written notice to the Supreme Court and to the
20 proponent or proponents filing the petition. Notice of such filing
21 shall be provided to the President Pro Tempore of the Senate and the
22 Speaker of the House of Representatives. Any such protest must be
23 filed within ~~ten (10)~~ twenty (20) business days after publication.
24 A copy of the protest shall be filed with 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) days of the date set. Each elector shall sign his or
24 her name and legibly print his or her name, birth date and address

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

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

19 If the Secretary of State receives such a certification from the
20 proponents, the Secretary of State shall begin the counting and
21 review process.

22 H. When the signed copies of a petition pamphlet are timely
23 filed, the Secretary of State shall file a copy of the proponent's
24 ballot title with the Attorney General and, after conducting a count

1 and review of the filed, signed petition pamphlets, the Secretary of
2 State shall certify to the Supreme Court of the state:

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

5 2. The total number of votes cast for the state office
6 receiving the highest number of votes cast at the last general
7 election.

8 The Supreme Court shall make the determination of the numerical
9 sufficiency or insufficiency of the signatures counted and reviewed
10 by the Secretary of State.

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

1 objection to the count or ballot title shall be filed with the
2 Supreme Court, the Attorney General and the Secretary of State.

3 J. Upon appeal and if ordered or directed by the Supreme Court,
4 the Secretary of State shall deliver the bound volumes of signatures
5 to the Supreme Court.

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

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

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

19 SECTION 4. It being immediately necessary for the preservation
20 of the public peace, health or safety, an emergency is hereby
21 declared to exist, by reason whereof this act shall take effect and
22 be in full force from and after its passage and approval.

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