

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 59th Legislature (2024)

4 ENGROSSED SENATE
5 BILL NO. 518

By: **Paxton** and Bullard of the
Senate

6 and

7 Lepak of the House

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

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

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

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

24 PETITION FOR REFERENDUM

To the Honorable _____, Governor of Oklahoma (or To the
Honorable _____, Mayor, Chairman of County Commissioners, or

1 other chief executive officer, as the case may be, of the city,
2 county or other municipal corporation of _____):

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

21 Referendum petitions shall be filed with the Secretary of State
22 not more than ninety (90) days after the final adjournment of the
23 session of the legislature which passed the bill on which the
24

1 referendum is demanded. (For county, city or other municipality the
2 length of time shall be thirty (30) days.)

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

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

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

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

16 INITIATIVE PETITION

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

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

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

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

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

15 B. It shall be the duty of the Secretary of State to cause to
16 be published, on the website of the Office of the Secretary of State
17 and in at least one newspaper of general circulation in the state, a
18 notice of such filing and the apparent sufficiency or insufficiency
19 of the petition, and shall include notice that any citizen or
20 citizens of the state may file a protest as to the constitutionality
21 of the petition, by a written notice to the Supreme Court and to the
22 proponent or proponents filing the petition. Notice of such filing
23 shall be provided to the President Pro Tempore of the Senate and the
24 Speaker of the House of Representatives. Any such protest must be

1 filed within ~~ten (10)~~ twenty (20) business days after publication.

2 A copy of the protest shall be filed with the Secretary of State.

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

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

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

1 ninety (90) days of the date set. Each elector shall sign his or
2 her name and legibly print his or her name, birth date and address
3 associated with his or her Oklahoma voter registration record. Any
4 petition not filed in accordance with this provision shall not be
5 considered. The proponents of an initiative petition, any time
6 before the final submission of signatures, may withdraw the
7 initiative petition upon written notification to the Secretary of
8 State.

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

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

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

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

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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)~~ twenty (20) business days after
2 publication and must relate only to the validity or number of the
3 signatures or a challenge to the ballot title. A copy of the
4 objection to the count or ballot title shall be filed with the
5 Supreme Court, the Attorney 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 attorney 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 4. It being immediately necessary for the preservation
23 of the public peace, health or safety, an emergency is hereby
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1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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4 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 04/02/2024 - DO PASS,
5 As Coauthored.

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