

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 566

By: Marlatt

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5  
6 AS INTRODUCED

7 An Act relating to initiative and referendum;  
8 amending 34 O.S. 2011, Section 8, which relates to  
9 initiative and referendum petitions; modifying  
10 procedures for circulation of petitions for  
11 signatures; stating time period; requiring certain  
12 notifications; repealing 34 O.S. 2011, Section 3.1,  
13 which relates to unlawful circulation of petitions;  
14 and declaring an emergency.

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

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

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

B. It shall be the duty of the Secretary of State to cause to  
be published, in at least one newspaper of general circulation in

1 the state, a notice of such filing and the apparent sufficiency or  
2 insufficiency of the petition. Such publication shall include the  
3 text of the ballot title as reviewed or, if applicable, as  
4 rewritten, by the Attorney General pursuant to the provisions of  
5 subsection D of Section 9 of this title, and shall include notice  
6 that any citizen or citizens of the state may file a protest as to  
7 the constitutionality of the petition, by a written notice to the  
8 Supreme Court and to the proponent or proponents filing the  
9 petition, or as to the ballot title as provided in Section 10 of  
10 this title. Any such protest must be filed within ten (10) days  
11 after publication. A copy of the protest shall be filed with the  
12 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) days thereafter,  
15 at which time it will hear testimony and arguments for and against  
16 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) days by any other  
19 citizen. After such hearing the Supreme Court shall decide whether  
20 such petition is in the form required by the statutes. If the Court  
21 is at the time adjourned, the Chief Justice shall immediately  
22 convene the same for such hearing. No objection to the sufficiency  
23 shall be considered unless it has been made and filed as herein  
24 provided.

1 E. ~~Within ninety (90) days after such filing of~~ 1. When an  
2 ~~initiative petition or determination of the sufficiency of the~~  
3 ~~petition by the Supreme Court as provided in this section, whichever~~  
4 ~~is later, the signed copies thereof shall be~~ has been filed with in  
5 the office of the Secretary of State, but the signed copies of a  
6 ~~referendum petition shall be filed with~~ and all appeals, protests,  
7 and rehearings have been resolved or the period for such has  
8 expired, and the ballot title process is complete, the Secretary of  
9 State shall set the date for circulation of signatures for the  
10 petition to begin, but in no event shall the date be less than  
11 fifteen (15) days or more than forty-five (45) days from the date  
12 when all appeals, protests, and rehearings have been resolved or  
13 have expired. Notification shall be sent to the proponents of the  
14 petition specifying the date on which circulation of the petition  
15 shall begin and that the signatures are due within ninety (90) days  
16 of the date set.

17 2. When a referendum petition has been filed in the office of  
18 the Secretary of State, notification shall be sent to the proponents  
19 that the signatures are due within ninety (90) days after the  
20 adjournment of the Legislature enacting the measure on which the  
21 referendum is invoked ~~or determination of the sufficiency of the~~  
22 ~~petition by the Supreme Court as provided in this section, whichever~~  
23 ~~is later.~~

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1        3. Each elector shall sign his or her legally registered name,  
2 address or post office box, and the name of the county of residence.  
3 Any petition not filed in accordance with this provision shall not  
4 be considered. The proponents of a referendum or an initiative  
5 petition, any time before the final submission of signatures, may  
6 withdraw the referendum or initiative petition upon written  
7 notification to the Secretary of State.

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

11        1. All signed petitions have already been filed with the  
12 Secretary of State;

13        2. No more petitions are in circulation; and

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

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

17        G. When the signed copies of a petition are timely filed, the  
18 Secretary of State shall certify to the Supreme Court of the state:

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

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

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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. Upon order of the Supreme Court it shall be the duty of the  
5 Secretary of State to forthwith cause to be published, in at least  
6 one newspaper of general circulation in the state, a notice of the  
7 filing of the signed petitions and the apparent sufficiency or  
8 insufficiency thereof and notice that any citizen or citizens of the  
9 state may file an objection to the count made by the Secretary of  
10 State, by a written notice to the Supreme Court and to the proponent  
11 or proponents filing the petition. Any such objection must be filed  
12 within ten (10) days after publication and must relate only to the  
13 validity or number of the signatures. A copy of the objection to  
14 the count shall be filed with the Secretary of State, and notice  
15 shall also be given to the Secretary of State.

16       I. The Secretary of State shall deliver the bound volumes of  
17 signatures to the Supreme Court.

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

23       K. If in the opinion of the Supreme Court, any objection to the  
24 count or protest to the petition is frivolous, the Court may impose

1 appropriate sanctions, including an award of costs and ~~attorneys~~  
2 attorney fees to either party as the Court deems equitable.

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

7 SECTION 2. REPEALER 34 O.S. 2011, Section 3.1, is hereby  
8 repealed.

9 SECTION 3. It being immediately necessary for the preservation  
10 of the public peace, health and safety, an emergency is hereby  
11 declared to exist, by reason whereof this act shall take effect and  
12 be in full force from and after its passage and approval.

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