

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE JOINT
4 RESOLUTION 5

By: Dahm

5
6 AS INTRODUCED

7 A Joint Resolution calling a Constitutional
8 Convention to alter, revise, or amend the present
9 Constitution of the State of Oklahoma or to propose a
10 new Constitution; fixing the time and place thereof;
11 providing for selection of delegates to the
12 Convention; providing requirements and restrictions
13 for eligibility; creating a Constitutional Convention
14 Commission; stating purpose; providing for
15 composition; providing for election of officers and
16 organization of the Constitutional Convention;
17 providing oath of office; providing for recall and
18 penalty for violation of oath; providing for
19 employment of staff; providing for rules of
20 procedure; prohibiting consideration of certain
21 provisions of the Constitution; providing for working
22 draft to be considered by the Constitutional
23 Convention; providing voting requirements for certain
24 actions; providing for compensation of delegates;
25 providing for payment of expenses of the Convention;
26 providing for submission of constitutional changes to
27 the voters of the state; providing for submission of
28 this joint resolution to a vote of the people;
29 providing ballot title; and directing filing.

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WHEREAS, Section 2 of Article XXIV of the Oklahoma Constitution requires that a proposal to hold a Constitutional Convention shall be submitted to a vote of the people at least once every twenty (20) years; and

1 WHEREAS, the last proposal providing for a Constitutional
2 Convention was submitted to a vote of the people March 17, 1970; and

3 WHEREAS, a State Question to eliminate the requirement that a
4 Constitutional Convention proposal be submitted to the people every
5 twenty (20) years was defeated at the General Election held November
6 8, 1994; and

7 WHEREAS, the original Constitutional Convention was comprised of
8 one hundred twelve members, with fifty-five delegates from Indian
9 Territory, fifty-five delegates from Oklahoma Territory, and two
10 members from Osage tribal land; and

11 WHEREAS, it is incumbent upon the Legislature to enact a law
12 providing for a Constitutional Convention and to submit the law to a
13 vote of the people.

14 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF
15 REPRESENTATIVES OF THE 1ST SESSION OF THE 57TH OKLAHOMA LEGISLATURE:

16 SECTION 1. There is hereby called a Constitutional Convention
17 for the purpose of altering, revising, or amending the current
18 Constitution, or to propose a new Constitution for the State of
19 Oklahoma, to be submitted to the people for their approval or
20 rejection.

21 SECTION 2. The Constitutional Convention shall convene at
22 twelve o'clock noon, July 12, 2021, in Oklahoma City at the State
23 Capitol.

24 SECTION 3. A. Delegates shall be chosen as follows:
25

1 1. There shall be seventy-six delegates selected from the
2 Legislature: fifty-two delegates shall be members of the House of
3 Representatives, twenty-six of whom shall be Democrats and twenty-
4 six of whom shall be Republicans and twenty-four delegates shall be
5 members of the Senate, twelve of whom shall be Democrats and twelve
6 of whom shall be Republicans. Thirteen of the members from the
7 House of Representatives who are Republicans and thirteen of the
8 members from the House of Representatives who are Democrats shall
9 reside west of Interstate Highway 35 (I-35) and thirteen of the
10 members from the House of Representatives who are Republicans and
11 thirteen of the members from the House of Representatives who are
12 Democrats shall reside east of I-35. Six of the members from the
13 Senate who are Republicans and six of the members from the Senate
14 who are Democrats shall reside west of I-35 and six of the members
15 of the Senate who are Republicans and six of the members from the
16 Senate who are Democrats shall reside east of I-35. For purposes of
17 this paragraph, if I-35 passes through the district of a legislator,
18 the entire district shall be considered to be west of I-35;

19 2. Fourteen delegates shall be selected by lot pursuant to
20 subsection E of this section from the Executive Department of
21 government agencies, boards and commissions within this state;
22 provided, none shall be statewide elected officials. Seven of the
23 Executive Department delegates shall reside west of I-35 and seven
24 of the Executive Department delegates shall reside east of I-35.

1 For purposes of this paragraph, if I-35 passes through a county,
2 other than Payne County, the entire county shall be considered to be
3 west of I-35;

4 3. Six delegates shall be selected by lot pursuant to
5 subsection E of this section from the Judicial Department of
6 government within this state; provided, none shall be justices or
7 judges subject to statewide retention ballot. Three of the judicial
8 delegates shall reside west of I-35 and three of the judicial
9 delegates shall reside east of I-35. For purposes of this
10 paragraph, if I-35 passes through a county, other than Payne County,
11 the entire county shall be considered to be west of I-35; and

12 4. Sixteen delegates from the public at large shall be selected
13 by lot, pursuant to subsection E of this section. No at-large
14 delegate shall be a statewide elected official. Seven of the at-
15 large delegates shall reside west of I-35, seven of the at-large
16 delegates shall reside east of I-35, and two of the at-large
17 delegates shall be from Osage tribal land. Two of the at-large
18 delegates shall be student body presidents from the two
19 comprehensive state universities; provided, if such person is unable
20 or ineligible to serve in this capacity, a student shall be selected
21 by the president of the university to serve as a delegate. The
22 delegate from the University of Oklahoma shall be one of the seven
23 delegates from west of I-35 and the delegate from Oklahoma State
24 University shall be one of the seven delegates from east of I-35.

1 For purposes of this paragraph, if I-35 passes through a county,
2 other than Payne County, the entire county shall be considered to be
3 west of I-35.

4 B. An individual shall be eligible to serve as a delegate if
5 the individual is at least twenty-one (21) years of age and is a
6 qualified elector.

7 C. Except as provided in paragraph 5 of subsection E of this
8 section, an individual shall be eligible for consideration for
9 selection as a delegate pursuant to only one of the categories
10 provided for in subsection A of this section.

11 D. No member of Congress from this state or person holding any
12 other federal office shall be eligible to be a delegate.

13 E. Delegates selected by lot shall be chosen pursuant to the
14 following procedure:

15 1. Members of the House of Representatives who wish to serve as
16 delegates to the Constitutional Convention shall submit their names
17 to the Speaker of the House of Representatives. From the list of
18 names submitted, the Speaker of the House shall select two delegates
19 and the Minority Leader of the House shall select two delegates.
20 Names shall be drawn by lot according to procedures established by
21 the Constitutional Convention Commission to select the remainder of
22 the delegates from the House of Representatives. If an insufficient
23 number of Representatives meeting the qualifications required by
24 paragraph 1 of subsection A of this section submit their names for

1 consideration, the Constitutional Convention Commission shall
2 provide for selection of the balance of membership from the
3 membership of the House of Representatives or former members of the
4 House of Representatives, subject to the qualifications provided for
5 in paragraph 1 of subsection A of this section;

6 2. Members of the Senate who wish to serve as delegates to the
7 Constitutional Convention shall submit their names to the President
8 Pro Tempore of the Senate. From the list of names submitted, the
9 President Pro Tempore of the Senate shall select two delegates and
10 the Minority Leader of the Senate shall select two delegates. Names
11 shall be drawn by lot according to procedures established by the
12 Constitutional Convention Commission to select the remainder of the
13 delegates from the Senate. If an insufficient number of Senators
14 meeting the qualifications required by paragraph 1 of subsection A
15 of this section submit their names for consideration, the
16 Constitutional Convention Commission shall provide for selection of
17 the balance of membership from the membership of the Senate or
18 former members of the Senate, subject to the qualifications provided
19 for in paragraph 1 of subsection A of this section;

20 3. Members of Executive Department agencies, boards and
21 commissions who wish to serve as delegates to the Constitutional
22 Convention shall submit their names to the Governor. Names shall be
23 drawn by lot according to procedures established by the
24 Constitutional Convention Commission. If an insufficient number of
25

1 individuals from the Executive Department of government meeting the
2 qualifications required by paragraph 2 of subsection A of this
3 section submit their names for consideration, the Constitutional
4 Convention Commission shall provide for selection of the balance of
5 membership from within the Executive Department or from former
6 officers or employees from the Executive Department;

7 4. Members of the Judicial Department who wish to serve as
8 delegates to the Constitutional Convention shall submit their names
9 to the Chief Justice of the Oklahoma Supreme Court. Names shall be
10 drawn by lot according to procedures established by the
11 Constitutional Convention Commission. If an insufficient number of
12 individuals from the Judicial Department of government meeting the
13 qualifications required by paragraph 3 of subsection A of this
14 section submit their names for consideration, the Constitutional
15 Convention Commission shall provide for selection of the balance of
16 membership from within the Judicial Department or from former
17 justices or judges from the Judicial Department; and

18 5. Members of the public at large shall submit their names to
19 the Lieutenant Governor. Names shall be drawn by lot according to
20 procedures established by the Constitutional Convention Commission.
21 If an insufficient number of individuals meeting the qualifications
22 of paragraph 4 of subsection A of this section submit their names
23 for consideration, the Constitutional Convention Commission shall
24 provide for selection of the balance of membership from persons who

1 have submitted their names pursuant to paragraphs 1 through 4 of
2 this subsection.

3 F. Persons wishing to serve as delegates shall submit their
4 applications by February 1, 2021. By February 15, 2021, the persons
5 to whom the applications have been submitted shall forward the
6 applications to the Constitutional Convention Commission. Delegates
7 shall be selected by March 1, 2021.

8 G. There is hereby created a Constitutional Convention
9 Commission. The purpose of the Commission is to develop the form to
10 be used for application to serve as a delegate, establish the
11 procedure for drawing names by lot, supervise the selection process
12 for delegates to the Constitutional Convention, and provide lists of
13 alternates to serve in case of a vacancy. The Constitutional
14 Convention Commission shall be composed of the Governor or a
15 designee, the Chief Justice of the Supreme Court or a designee, the
16 Speaker of the House of Representatives or a designee, the President
17 Pro Tempore of the Senate or a designee, a member of the House of
18 Representatives appointed by the Speaker of the House of
19 Representatives, and a member of the Senate appointed by the
20 President Pro Tempore of the Senate. The members appointed by the
21 Speaker of the House of Representatives and the President Pro
22 Tempore of the Senate shall serve as cochairmen of the Commission.
23 The Commission shall conduct public hearings prior to the delegate
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1 selection process to gather input from the public for issues to be
2 addressed by the Constitutional Convention.

3 SECTION 4. A. The Secretary of State shall call the
4 Constitutional Convention to order and preside until one of the
5 delegates is chosen President of the Constitutional Convention by
6 vote of the Convention.

7 B. Prior to the selection of a President, the delegates shall
8 take the following oath to support the Constitution of the United
9 States and to faithfully discharge their duties as delegates:

10 "I do solemnly swear or affirm that to the best of my abilities,
11 I will, as a delegate to the State Constitutional Convention, uphold
12 the Constitution and laws of the United States of America and the
13 State of Oklahoma. I will not vote to allow consideration of or to
14 approve any unauthorized amendment proposed for ratification to the
15 Oklahoma Constitution."

16 Any delegate who violates the oath contained in this subsection
17 shall be recalled and replaced by the appointing authority and, upon
18 conviction, shall be guilty of a misdemeanor.

19 C. The Convention may employ staff necessary to assist the
20 delegates in performing their duties.

21 D. After choosing a President, the Convention shall organize
22 itself and select such other officers as it deems necessary.

23 E. The Convention may establish rules for the Convention. Any
24 parliamentary question not provided for by the Oklahoma Constitution
25

1 or the rules of the Constitutional Convention shall be governed by
2 Mason's Manual of Legislative Procedure.

3 F. A simple majority of the delegates shall constitute a quorum
4 to transact business. A simple majority of the delegates shall be
5 necessary for the adoption of any measure.

6 G. No article or section of the Constitution that has been
7 added, altered or revised pursuant to the initiative petition
8 process or the legislative referendum process shall be repealed,
9 altered, or revised by the Constitutional Convention.

10 H. The original Constitution and all amendments added by the
11 initiative petition process or the legislative referendum process by
12 July 12, 2021, shall be the working draft for consideration by the
13 Constitutional Convention. No article of the Constitution shall be
14 reviewed by the Convention for possible alterations, revisions, or
15 amendments, unless the motion to do so receives the approval of two-
16 thirds (2/3) of the delegates. Thereafter, any proposed alteration,
17 revision, or amendment to an article shall require a simple majority
18 for adoption. To reverse any previous action taken by the
19 Convention pertaining to an alteration, revision or amendment, two-
20 thirds (2/3) of the delegates must approve the motion.

21 SECTION 5. The Constitutional Convention shall adjourn sine die
22 no later than June 30, 2022.

23 SECTION 6. The delegates to the Constitutional Convention shall
24 receive no compensation but shall receive reimbursement for mileage
25

1 and per diem as provided in the State Travel Reimbursement Act for
2 the time that the Constitutional Convention is in session up to a
3 maximum of ninety (90) days.

4 SECTION 7. All expenses incurred by the Constitutional
5 Convention acting within the scope of authority as provided for in
6 this resolution and all expenses of holding the election for
7 adoption or rejection of any alteration, revision, or amendment of
8 the current Constitution or proposed new Constitution shall be paid
9 for by the state; and it is made the express duty of the Legislature
10 to provide for payment of the expenses.

11 SECTION 8. The delegates shall be subject to all rules and
12 regulations promulgated by the Ethics Commission and all state and
13 federal laws to which legislators are subject.

14 SECTION 9. Any alteration, revision, or amendment of the
15 current Constitution or new Constitution proposed by the
16 Constitutional Convention shall be submitted to the electors of the
17 state for adoption or rejection at the General Election to be held
18 in 2022.

19 SECTION 10. This resolution shall be submitted to the people by
20 the Secretary of State for their approval or rejection at the next
21 General Election.

22 SECTION 11. The Ballot Title for the proposed question to be
23 put before the people as provided herein shall be in the following
24 form:

BALLOT TITLE

Legislative Referendum No. _____ State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure calls a state Constitutional Convention. It would begin on July 12, 2021. It would end by June 30, 2022. It would review the State Constitution. It could alter, amend, or revise the Constitution. It could propose a new State Constitution. There would be one hundred twelve delegates. Seventy-six delegates would be from the State Legislature. Fourteen delegates would be from the Executive Department. They would be from agencies, boards and commissions. Six delegates would be judges. Sixteen members would be from the public at large. Most delegates would be picked by lot. A few delegates would be selected by leadership of the Legislature. Delegates would be paid for travel expenses for each day that the Convention meets. Payment is limited. Delegates can be paid for no more than ninety days. Any change in the Constitution or new Constitution must be presented for approval to state voters. This would happen at the General Election in 2022.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES _____

AGAINST THE PROPOSAL - NO _____

SECTION 12. The President Pro Tempore of the Senate shall immediately after the passage of this resolution, prepare and file

1 one copy thereof, including the Ballot Title set forth in SECTION 11
2 hereof, with the Secretary of State and one copy with the Attorney
3 General.

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