An Act

ENROLLED HOUSE
BILL NO. 1484

By: Grau and Echols of the House

and

Griffin of the Senate

An Act relating to initiative and referendum; amending 34 O.S. 2011, Sections 1, 2, 6, 8, 9, 10, 11 and 17, which relate to the initiative and referendum petition process; modifying certain forms; modifying filing of initiative and referendum petitions; providing for signature-gathering deadline for referendum petitions; modifying submission of ballot title; specifying time limit for appeals and publication; repealing 34 O.S. 2011, Section 3.1, which relates to circulation of petition; and declaring an emergency.

SUBJECT: Initiative and referendum

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

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

Section 1. 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 _____):

We, the undersigned legal voters of the State of Oklahoma (or district of _____, county of _____, or city of _____, as the case may be), respectfully order that Senate

(or House) Bill No. _____ (or ordinance No. _____), entitled (title of Act, and if the petition is against less than the whole Act, then set forth here the part or parts on which the referendum is sought), passed by the _____ Legislature of the State of Oklahoma, at the regular (or special) session of said legislature, shall be referred to the people of the State (district of _____, county of _____, or city of _____, as the case may be) for their approval or rejection at the regular (or special) election to be held on the _____ day of _____, ~~19~~ 20 __, and each for himself says: I have personally signed this petition; I am a legal voter of the State of Oklahoma (and district of _____, county of _____, or city of _____, as the case may be); my residence or post office are correctly written after my name.

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

The question we herewith submit to our fellow voters is: Shall the following bill of the legislature (or ordinance or resolution--local legislation) be approved? (Insert here an exact copy of the ~~title and~~ text of the measure.)

Name and Address of Proponents (not to exceed three)

Name _____ Residence _____ Post Office _____
If in city, street and number.

(Here follow twenty numbered lines for signatures.)

SECTION 2. AMENDATORY 34 O.S. 2011, Section 2, is amended to read as follows:

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

INITIATIVE PETITION

To the Honorable _____, Governor of Oklahoma (or To the Honorable _____, Mayor, Chairman of County Commissioners, or other chief executive officers, as the case may be, for the city, county or other municipality): We, the undersigned legal voters of

the State of Oklahoma (and of the district of _____, county of _____, or city of _____, as the case may be), respectfully order that the following proposed law (or amendment to the constitution, ordinance, or amendment to the city charter, as the case may be) shall be submitted to the legal voters of the State of Oklahoma (or of the district of _____, county of _____, or city of _____, as the case may be) for their approval or rejection at the regular general election (or regular or special city election), to be held on the _____ day of _____, ~~19~~ 20 __, and each for himself says: I have personally signed this petition; I am a legal voter of the State of Oklahoma (and of the district of _____, county of _____, city of _____, as the case may be); my residence or post office are correctly written after my name. The time for filing this petition expires ninety (90) days from (insert date when petition is to be opened for signatures). (This for State initiative. For county, city, or other municipality the length of time shall be ninety (90) days.) The question we herewith submit to our fellow voters is: Shall the following bill (or proposed amendment to the Constitution or resolution) be approved? (Insert here an exact copy of the ~~title and~~ text of the measure.)

Name and Address of Proponents (not to exceed three)

Name _____ Residence _____ Post Office_____
If in the city, street and number.

(Here follow twenty numbered lines for signatures.)

SECTION 3. AMENDATORY 34 O.S. 2011, Section 6, is amended to read as follows:

Section 6. Each sheet of every such petition containing signatures shall be verified on the back thereof, in substantially the following form, by the person who circulated said sheet of said petition, by his or her affidavit thereon and as a part thereof.

State of Oklahoma,)

) ss.

County of _____)

I, _____, being first duly sworn, say: That I am ~~a qualified elector of the State of Oklahoma~~ at least eighteen (18) years old

and that ~~(Here shall be legibly written or typewritten the names of the signers of the sheet), signed this sheet of the foregoing petition, and each of them~~ all signatures on the signature sheet were signed ~~his name thereto~~ in my presence; I believe that each has stated his or her name, ~~post office~~ mailing address, and residence correctly, and that each signer is a legal voter of the State of Oklahoma and county of _____ or of the city of _____ (as the case may be). (Signature and ~~post office~~ mailing address of affiant.)

Subscribed and sworn to before me this _____ day of _____ A.D. ~~19~~ 20 __.

(Signature and title of the officer before whom oath is made, and his ~~post office~~ or her mailing address.)

SECTION 4. AMENDATORY 34 O.S. 2011, Section 8, is amended to read as follows:

Section 8. A. When a citizen or citizens desire to circulate a petition initiating a proposition of any nature, whether to become a statute law or an amendment to the Constitution, or for the purpose of invoking a referendum upon legislative enactments, such citizen or citizens shall, when such petition is prepared, and before the same is circulated or signed by electors, file a true and exact copy of same in the office of the Secretary of State and shall at the same time file a separate ballot title, which shall not be part of or printed on the petition.

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 the state, a notice of such filing and the apparent sufficiency or insufficiency of the petition~~. Such publication shall include the text of the ballot title as reviewed or, if applicable, as rewritten, by the Attorney General pursuant to the provisions of subsection D of Section 9 of this title~~, and shall include notice that any citizen or citizens of the state may file a protest as to the constitutionality of the petition, by a written notice to the Supreme Court and to the proponent or proponents filing the petition~~, or as to the ballot title as provided in Section 10 of this title~~. Any such protest must be filed within ten (10) business days after publication. A copy of the protest shall be filed with the Secretary of State.

C. Upon the filing of a protest to the petition, the Supreme Court shall then fix a day, not less than ten (10) business days

thereafter, at which time it will hear testimony and arguments for and against the sufficiency of such petition.

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

E. ~~Within ninety (90) days after such filing of~~ Signature-gathering Deadline for Initiative Petitions. When an initiative petition ~~or determination of the sufficiency of the petition by the Supreme Court as provided in this section, whichever is later, the signed copies thereof shall be~~ has been filed ~~with~~ in the office of the Secretary of State~~, but the signed copies of a referendum petition shall be filed with~~ and all appeals, protests and rehearings have been resolved or the period for such has expired, the Secretary of State shall set the date for circulation of signatures for the petition to begin but in no event shall the date be less than fifteen (15) days nor more than thirty (30) days from the date when all appeals, protests and rehearings have been resolved or have expired. Notification shall be sent to the proponents specifying the date on which circulation of the petition shall begin and that the signatures are due within ninety (90) days ~~after the adjournment of the Legislature enacting the measure on which the referendum is invoked or determination of the sufficiency of the petition by the Supreme Court as provided in this section, whichever is later~~ of the date set. Each elector shall sign his or her legally registered name, address or post office box, and the name of the county of residence. Any petition not filed in accordance with this provision shall not be considered. The proponents of ~~a referendum or~~ an initiative petition, any time before the final submission of signatures, may withdraw the ~~referendum or~~ initiative petition upon written notification to the Secretary of State.

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

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

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

2. No more petitions are in circulation; and

3. The proponents will not circulate any more petitions.

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

~~G.~~ H. When the signed copies of a petition are timely filed, the Secretary of State shall file a copy of the proponent's ballot title with the Attorney General, and after conducting a count of the filed, signed petition, the Secretary of State shall certify to the Supreme Court of the state:

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

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

The Supreme Court shall make the determination of the numerical sufficiency or insufficiency of the signatures counted by the Secretary of State.

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

or ballot title shall be filed with the Supreme Court, the Attorney General and the Secretary of State~~, and notice shall also be given to the Secretary of State~~.

~~I.~~ J. The Secretary of State shall deliver the bound volumes of signatures to the Supreme Court.

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

~~K.~~ 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 fees to either party as the Court deems equitable.

~~L.~~ 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 5. AMENDATORY 34 O.S. 2011, Section 9, is amended to read as follows:

Section 9. A. When a referendum is ordered by petition of the people against any measure passed by the Legislature or when any measure is proposed by initiative petition, whether as an amendment to the Constitution or as a statute, it shall be the duty of the parties submitting the measure to prepare and file one copy of the measure with the Secretary of State and one copy with the Attorney General.

B. The parties submitting the measure shall also submit a suggested ballot title to the Secretary of State which shall be filed on a separate sheet of paper and shall not be ~~deemed~~ part of or printed on the petition. The suggested ballot title:

1. Shall not exceed two hundred (200) words;

2. Shall explain in basic words, which can be easily found in dictionaries of general usage, the effect of the proposition;

3. Shall not contain any words which have a special meaning for a particular profession or trade not commonly known to the citizens of this state;

4. Shall not reflect partiality in its composition or contain any argument for or against the measure;

5. Shall contain language which clearly states that a "yes" vote is a vote in favor of the proposition and a "no" vote is a vote against the proposition; and

6. Shall not contain language whereby a "yes" vote is, in fact, a vote against the proposition and a "no" vote is, in fact, a vote in favor of the proposition.

C. When a measure is proposed as a constitutional amendment by the Legislature or when the Legislature proposes a statute conditioned upon approval by the people:

1. After final passage of a measure, the Secretary of State shall submit the proposed ballot title to the Attorney General for review as to legal correctness. Within five (5) business days <u>after receipt from the Secretary of State</u>, the Attorney General shall, in writing, notify the Secretary of State, the President Pro Tempore of the Senate, the Speaker of the House of Representatives and the principal authors of the bill whether or not the proposed ballot title complies with applicable laws. The Attorney General shall state with specificity any and all defects found and, if necessary, within ten (10) business days of determining that the proposed ballot title is defective, prepare a preliminary ballot title which complies with the law and furnish a copy of such ballot title to the Secretary of State, the President Pro Tempore of the Senate, the Speaker of the House of Representatives and the principal authors of the bill. The Attorney General may consider any comments made by the President Pro Tempore of the Senate or the Speaker of the House of Representatives ~~and~~ <u>submitted within five (5) business days of their being furnished a copy of the preliminary ballot title. The Attorney General shall</u> respond in writing to the comments and shall file a final ballot title with the Secretary of State ~~no sooner than ten (10) business days and~~ no later than fifteen (15) business days after furnishing the preliminary ballot title; and

2. After receipt of the measure and the official ballot title, as certified by the Attorney General, the Secretary of State shall within five (5) days transmit to the Secretary of the State Election

Board an attested copy of the measure, including the official ballot title.

D. The following procedure shall apply to ballot titles of referendums ordered by a petition of the people or any measure proposed by an initiative petition:

1. After the filing of the ~~petition and prior to the gathering of signatures thereon~~ signed referendum petitions or the signed initiative petitions, the Secretary of State shall submit the proposed separate ballot title to the Attorney General for review as to legal correctness. Within five (5) business days after the ~~filing of the measure and~~ receipt of the ballot title, the Attorney General shall, in writing, notify the Secretary of State whether or not the proposed ballot title complies with applicable laws. The Attorney General shall state with specificity any and all defects found and, if necessary, within ten (10) business days of determining that the proposed ballot title is defective, prepare and file a ballot title which complies with the law; and

2. Within ten (10) business days after ~~completion of the review by the Attorney General~~ publication of the notice required by subsection I of Section 8 of this title, the Secretary of State shall, if no appeal is filed, transmit to the Secretary of the State Election Board an attested copy of the measure, including the official ballot title, and a certification that the requirements of this section have been met. If an appeal is taken from such ballot title within the time specified in Section 10 of this title, then the Secretary of State shall certify to the Secretary of the State Election Board the ballot title which is finally approved by the Supreme Court.

SECTION 6. AMENDATORY 34 O.S. 2011, Section 10, is amended to read as follows:

Section 10. A. Any person who is dissatisfied with the wording of a ballot title may, within ten (10) business days after the same is published by the Secretary of State as provided for in subsection ~~B~~ I of Section 8 of this title, appeal to the Supreme Court by petition in which shall be offered a substitute ballot title for the one from which the appeal is taken. Upon the hearing of such appeal, the court may correct or amend the ballot title before the court, or accept the substitute suggested, or may draft a new one which will conform to the provisions of Section 9 of this title.

B. No such appeal shall be allowed as to the ballot title of constitutional and legislative enactments proposed by the Legislature.

SECTION 7. AMENDATORY 34 O.S. 2011, Section 11, is amended to read as follows:

Section 11. Notice of the appeal provided for in the preceding section shall be served upon the Attorney General and upon the party who filed such ballot title, or on any of such parties, at least five (5) business days before such appeal is heard by the court. The Attorney General shall, and any citizen interested may, defend the ballot title from which the appeal is taken. Other procedure upon such appeals shall be the same as is prescribed for appeals from petitions filed as set forth in Section 8 of this title.

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

Section 17. It shall be the duty of the Secretary of State, not less than five (5) business days before any election held throughout the state at which any proposed law, part of an act, or amendment to the constitution is to be submitted to the people of the state for their approval or rejection, to cause to be published once in two different newspapers of general statewide circulation and in a newspaper of general circulation in each county, a copy of all ballots on initiated and referred questions, measures, and constitutional amendments, and an explanation of how to vote for or against propositions. The Secretary of State shall designate the newspapers in which the publication shall be made. The publication shall be paid for at the legal rate for other publications, out of any funds of the state appropriated therefor.

SECTION 9. REPEALER 34 O.S. 2011, Section 3.1, is hereby repealed.

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

Passed the House of Representatives the 9th day of March, 2015.

Presiding Officer of the House
of Representatives

Passed the Senate the 21st day of April, 2015.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 22nd day of April, 2015, at 12:08 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 28th day of April, 2015, at 2:21 o'clock P M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 28th day of April, 2015, at 3:30 o'clock P. M.

By: C. Renye