An Act

ENROLLED HOUSE
BILL NO. 3826

By: McCall, O'Donnell, Cornwell, Sanders, Lepak and Davis of the House

and

Treat of the Senate

An Act relating to initiative and referendum; amending 34 O.S. 2011, Sections 1, as amended by Section 1, Chapter 193, O.S.L. 2015, 2, as amended by Section 2, Chapter 193, O.S.L. 2015, 3, 4, 6, as amended by Section 3, Chapter 193, O.S.L. 2015, 6.1 and 8, as amended by Section 4, Chapter 193, O.S.L. 2015 (34 O.S. Supp. 2019, Sections 1, 2, 6 and 8), which relate to the initiative and referendum process; modifying referendum petition form; modifying initiative petition form; authorizing promulgation of rules; authorizing designing of certain forms for collection of signatures; modifying cover sheets for petitions; modifying verification of signatures; authorizing purchase of certain assets; exempting certain purchases from requirements of The Oklahoma Central Purchasing Act; modifying requirements for elector signing petition; providing for codification; and providing an effective date.

SUBJECT: Initiative and referendum

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

SECTION 1. AMENDATORY 34 O.S. 2011, Section 1, as amended by Section 1, Chapter 193, O.S.L. 2015 (34 O.S. Supp. 2019, 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 _____):

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 _____, 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~~ the following data points shall be included on the form: the voter's first name, last name, zip code, house number and numerical month and day of my birth.

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 text of the measure followed by proponents of record (not to exceed three signatures, complete printed name and address associated with his or her Oklahoma voter registration record).)

~~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.)~~

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

SECTION 2. AMENDATORY 34 O.S. 2011, Section 2, as amended by Section 2, Chapter 193, O.S.L. 2015 (34 O.S. Supp. 2019, Section 2), is amended to read as follows:

Section 2. A. 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 _____, 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 following data points shall be included on the form: the voter's first name, last name, zip code, house number, and numerical month and day of my birth. The time for filing this petition expires ninety (90) days from (Secretary of State to insert assigned date when petition is to ~~be opened for signatures~~ begin signature circulation). (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 text of the measure followed by proponents of record (not to exceed three signatures, complete printed name and address associated with his or her Oklahoma voter registration record).)

~~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.)~~

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

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2.1 of Title 34, unless there is created a duplication in numbering, reads as follows:

The Secretary of State may promulgate rules to carry out the provisions of this title.

SECTION 4. AMENDATORY 34 O.S. 2011, Section 3, is amended to read as follows:

Section 3. Each initiative petition and each referendum petition shall be duplicated for the securing of signatures. The Secretary of State shall design a form, subject to change, for signatures that shall be used by proponents of initiatives or referendums when collecting signatures, and each sheet for signatures shall be attached to a copy of the petition. Each copy of the petition and sheets for signatures is hereinafter termed a pamphlet. On the outer page of each pamphlet shall be printed the word "Warning", and underneath this in ten-point type the words, "It is a felony for anyone to sign an initiative or referendum petition with any name other than his own, or knowingly to sign his name more than once for the measure, or to sign such petition when he is not a legal voter." A simple statement of the gist of the proposition shall be printed on the top margin of each signature sheet. ~~Not more than twenty (20) signatures on one sheet on lines provided for the signatures shall be counted. Any signature sheet not in substantial compliance with this act shall be disqualified by the Secretary of State.~~

SECTION 5. AMENDATORY 34 O.S. 2011, Section 4, is amended to read as follows:

Section 4. When any such signed initiative or referendum petition pamphlets shall be offered for filing, the Secretary of State, in the presence of the person offering the same for filing, shall detach the sheets containing the signatures and affidavits and cause them all to be attached to one or more printed copies of the measure so proposed by initiative or referendum petition. ~~All petitions for the initiative and referendum and sheets for signatures shall be printed on pages eight and one-half (8 1/2) inches in width by fourteen (14) inches in length, with a margin of one and three-fourths (1 3/4) inches at the top for binding; if~~ If the aforesaid sheets shall be too bulky for convenient binding in one volume, they may be bound in two or more volumes, those in each volume to be attached to a single printed copy of such measure; the detached copies of such measures shall be delivered to the person offering the same for filing. Each of the volumes and each signature sheet therein shall be numbered consecutively, and a cover sheet shall be attached, showing the purported number of signature sheets, the series of numbers assigned to the signature sheets and the total number of signatures counted per volume. The Secretary of State shall render a signed receipt to the person offering the petition for filing, which receipt shall include a report, volume by volume, showing the number of signature sheets in each volume, the series of numbers assigned to the signature sheets in each volume, and the number of purported signatures in each volume. Duplicate copies of the cover sheets, with necessary corrections, may be used as receipts. If the volume of signatures is sufficiently large, the Secretary of State shall seal the petitions in such manner that they cannot be opened unless the seal is broken, and if requested by those filing said petition, they shall not be opened before 9:00 a.m. on the day following the date said petitions are filed and said procedure shall continue until such time as the Secretary shall be able to receipt the petitions so filed; but additional signature sheets shall not be accepted after 5:00 p.m. on the ninetieth day. The Secretary of State shall not provide any copies of signature sheets to anyone until the sheets have been bound as provided in this section.

Provided, that whenever reference is made in this act to the Secretary of State, such reference shall include the Secretary of State or any officer constitutionally designated to perform the duties herein prescribed.

SECTION 6. AMENDATORY 34 O.S. 2011, Section 6, as amended by Section 3, Chapter 193, O.S.L. 2015 (34 O.S. Supp. 2019, 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~~ Any person who ~~circulated said~~ circulates a sheet of said petition~~, by~~ shall verify the signatures included on any signature sheets he or she circulates by executing his or her affidavit thereon and as a part thereof. The Secretary of State shall cause to be affixed onto the back of the signature form an affidavit, subject to change, for the circulator to verify the signatures.

State of Oklahoma,)

) ss.

County of _____)

I, _____, being first duly sworn, say: That I am at least eighteen (18) years old and that all signatures on the signature sheet were signed in my presence; I believe that each has stated his or her name, mailing address, and ~~residence correctly~~ date of birth associated with his or her Oklahoma voter registration record, 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 ~~mailing~~ complete address of affiant.)

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

(Signature and title of the Oklahoma notarial officer before whom oath is made, and his or her ~~mailing~~ complete address, commission number and expiration date, and official Oklahoma notary public seal.)

SECTION 7. AMENDATORY 34 O.S. 2011, Section 6.1, is amended to read as follows:

Section 6.1 A. The Secretary of State shall make or cause to be made a ~~physical~~ verification and count of the number of signatures on the petitions. In making such count, the Secretary of State shall not include in such ~~physical~~ total count:

1. All signatures on any sheet of any petition which is not verified by the person who circulated the sheet of the petition as provided in Section 6 of this title;

2. All signatures of nonresidents;

3. All signatures on a sheet that is not attached to a copy of the petition pamphlet;

4. All multiple signatures on any printed signature line;

5. All signatures not on a printed signature line;

6. Those signatures by a person who signs with any name other than his or her own or signs more than once; ~~and~~

7. All signatures on any sheet on which a notary has failed to sign, the seal of the notary is absent, the commission of the notary has expired or the expiration date is not on the signature sheet; and

8. Any signatures that cannot be verified by the Secretary of State with the Oklahoma State Election Board's public voter registration records.

B. The Secretary of State shall notify the Attorney General of any and all violations of this title of which he or she has knowledge.

C. The Secretary of State may purchase any tangible or intangible assets, including, but not limited to, software, necessary to carry out his or her duties pursuant to this section. Such purchases shall be exempt from the requirements of The Oklahoma Central Purchasing Act.

SECTION 8. AMENDATORY 34 O.S. 2011, Section 8, as amended by Section 4, Chapter 193, O.S.L. 2015 (34 O.S. Supp. 2019, 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, 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. 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. Signature-gathering Deadline for Initiative Petitions. When an initiative petition has been filed in the office of the Secretary of State 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 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~~ and legibly print his or her name, birth date and address associated with his or her Oklahoma voter registration record. Any petition not filed in accordance with this provision shall not be considered. The proponents of an initiative

petition, any time before the final submission of signatures, may withdraw the 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 and review process.

H. When the signed copies of a petition pamphlet 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 and review of the filed, signed petition pamphlets, 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 and reviewed by the Secretary of State.

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.

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

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.

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.

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 9. This act shall become effective November 1, 2020.

Passed the House of Representatives the 4th day of March, 2020.

Presiding Officer of the House of Representatives

Passed the Senate the 14th day of May, 2020.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 15th day of May, 2020, at 12:24 o'clock p. M.

By: Sunni Curry

Approved by the Governor of the State of Oklahoma this 21st day of May, 2020, at 9:38 o'clock a. M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 21st day of May, 2020, at 12:20 o'clock P. M.

By: Nicole Rogers