

Resolution

ENROLLED HOUSE JOINT
RESOLUTION NO. 2

BY: CUNNINGHAM, BARNES, DEFENBAUGH,
DOTY, HALL, HENRY, HUMPHREYS,
KESSLER, LEVERGOOD, LONG,
MOOREHEAD, PITCHER, SHERMAN,
SHIBLEY, SMITH (Muskogee),
SPARKMAN, STEVENS, TAYLOR,
WILCOX of the House
and
MISKOVSKY of the Senate.

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTIONS 18 AND 19, ARTICLE 2 OF THE CONSTITUTION OF OKLAHOMA; PROVIDING THAT SERVICE ON GRAND JURIES, AS WELL AS JURIES TRYING CIVIL AND CRIMINAL CASES IN COURTS OF RECORD AND COURTS NOT OF RECORD, SHALL NOT BE LIMITED TO MALE PERSONS; AND PROVIDING FOR THE SUBMISSION OF SAID AMENDMENT TO THE PEOPLE FOR THEIR APPROVAL OR REJECTION AT A SPECIAL ELECTION.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE TWENTY-THIRD LEGISLATURE OF THE STATE OF OKLAHOMA:

SECTION 1. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed amendment to Sections 18 and 19, Article 2 of the Constitution of the State of Oklahoma.

Section 18. A grand jury shall be composed of twelve (12) persons, any nine (9) of whom concurring may find an indictment or true bill. A grand jury shall be convened upon the order of a judge of a court having the power to try and determine felonies, upon his own motion; or such grand jury shall be ordered by such judge upon the filing of a petition therefor signed by one hundred (100) resident taxpayers of the county; when so assembled such grand jury shall have power to investigate and return indictments for all character and grades of crime, and such other powers as the Legislature may prescribe: Provided, that the Legislature may make the calling of a grand jury compulsory.

Section 19. The right of trial by jury shall be and remain inviolate, and a jury for the trial of civil and criminal cases in courts of record, other than county courts, shall consist of twelve (12) persons; but in county courts and courts not of record, a jury shall consist of six (6) persons. This Section

shall not be so construed as to prevent limitations being fixed by law upon the right of appeal from judgments of courts not of record in civil cases concerning causes of action involving less than Twenty Dollars (\$20.00). In civil cases, and in criminal cases less than felonies, three-fourths (3/4) of the whole number of jurors concurring shall have power to render a verdict. In all other cases the entire number of jurors must concur to render a verdict. In case a verdict is rendered by less than the whole number of jurors, the verdicts shall be in writing and signed by each juror concurring therein.

SECTION 2. The ballot title for said proposed amendment shall be in the following form:

BALLOT TITLE

Legislative Referendum No. 101

State Question No. 354

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

Shall a constitutional amendment

Amending Sections 18 and 19, Article 2 of the Constitution of Oklahoma by providing that service on grand juries as well as juries trying civil and criminal cases in courts of record and courts not of record shall not be limited to male persons,

be approved by the people?

YES

SHALL THE PROPOSED AMENDMENT BE APPROVED?

NO

SECTION 3. The President of the Senate shall, immediately after the effective date of this Resolution, prepare and file one (1) copy thereof, including said ballot title, with the Secretary of State and one (1) copy with the Attorney General.

SECTION 4. A special election is hereby ordered to be held throughout the State on the next regular primary election, at which the proposed amendment to the Constitution of the State of —

Correctly Enrolled: *William L. Jones* Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

Oklahoma set forth in Section 1 of this Resolution shall be submitted to the people for their approval or rejection, as and in the manner provided by law. _____

_____ Passed the House of Representatives the 30th day of January, 1951.

James M. Beallard
Speaker of the House of Representatives

_____ Passed the Senate the 8th day of March, 1951.

Ray A. Dowd
President of the Senate

OFFICE OF SECRETARY OF STATE

Received by the Secretary of State
this 14th day of March, 1951
at 4:30 o'clock _____ P. M.

By: _____

tag .

Correctly Enrolled: William L. Jones Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS



MAC Q. WILLIAMSON
ATTORNEY GENERAL

STATE OF OKLAHOMA
OFFICE OF THE ATTORNEY GENERAL
OKLAHOMA CITY

356.

March 15, 1951

Honorable John D. Conner
Secretary of State
B U I L D I N G

Dear Sir:

You are hereby notified that pursuant to the discretion and duty lodged in and imposed upon the Attorney General by 34 O. S. 1941 § 9, he has examined the proposed ballot title of Enrolled House Joint Resolution No. 2 of the Regular Session of the Twenty-third Legislature of the State of Oklahoma, same being State Question No. 354, Legislative Referendum No. 101, which, together with a copy of said resolution, was delivered to him on March 15th, 1951 by the Honorable Guy K. Horton, Chief Clerk of the House of Representatives of said legislature, and from said examination finds that said ballot title is in legal form and in harmony with the law.

We are mailing a copy of this letter to Representative Cunningham and Senator Miskovsky.

Yours very truly

FOR THE ATTORNEY GENERAL


Fred Hansen
First Assistant Attorney General

FH:LW
Enc.