

Resolution

ENROLLED HOUSE JOINT
RESOLUTION NO. 527.

BY: HOWZE and WILHELM

A JOINT RESOLUTION DIRECTING THE SECRETARY OF STATE TO REFER TO THE PEOPLE FOR THEIR APPROVAL OR REJECTION A PROPOSED AMENDMENT TO SECTION 10 OF ARTICLE V OF THE CONSTITUTION OF THE STATE OF OKLAHOMA BY PROVIDING A FORMULA AND METHOD FOR APPORTIONMENT OF MEMBERSHIP OF THE HOUSE OF REPRESENTATIVES; RELATING TERM OF OFFICE; VESTING ORIGINAL JURISDICTION IN OKLAHOMA SUPREME COURT; REPEALING SECTIONS 12, 13, 14, 15 AND 16 OF ARTICLE V; AND SUBMITTING PROPOSED AMENDMENT AT A SPECIAL ELECTION.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE TWENTY-EIGHTH 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 Section 10, Article V, of the Constitution of Oklahoma:

Section 10. The House of Representatives shall consist of the number of Representatives as determined by the formula and procedure set forth herein. Members of the House of Representatives shall hold office for two (2) years beginning sixteen (16) days after the General Election at which they are elected.

The apportionment for members of the House of Representatives shall be made by the State Election Board within thirty (30) days after the promulgation by the Governor of the certified totals of the number of inhabitants of each county according to the Eighteenth (1960) Federal Decennial Census and each subsequent decennial census made by the United States Government. The number of members of the House of Representatives to which each county shall be entitled shall be determined according to the following formula:

a. The total population of the State as ascertained by the applicable Federal Decennial Census shall be divided by the number one hundred and the quotient shall be the ratio of representation in the House of Representatives for the next ten years succeeding such

Correctly Enrolled:  Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

determination.

b. Every county having a population less than one full ratio shall be assigned one Representative; every county containing an entire ratio shall be assigned two Representatives; every county containing a population of two entire ratios shall be assigned three Representatives; and every county containing a population of three entire ratios shall be assigned four Representatives.

After the first four Representatives, a county shall qualify for additional representation on the basis of two complete ratios of population for each additional Representative entitlement.

In the event of failure of the State Election Board to apportion the House of Representatives as herein provided, the Oklahoma State Supreme Court shall have original jurisdiction to hear mandamus or other actions against the State Election Board to force such apportionment.

From and after the State Election Board determination of the number of Representatives for which each county is entitled and assigned, a certified list shall be made and one copy transmitted as a public document to the Governor and one copy transmitted as a public document to the Secretary of State.

SECTION 2. Sections 12, 13, 14, 15 and 16, of Article V, of the Oklahoma Constitution, are repealed but nothing herein shall be construed to reduce the term for which any member of the House of Representatives was elected.

SECTION 3. The ballot title for the proposed constitutional amendment shall be in the following form:

BALLOT TITLE

State Question No. _____ Legislative Referendum No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

Shall a Constitutional Amendment _____

Amending Section 10, Article V, of the Constitution of the State of Oklahoma, which provides for the number, term and apportionment of the members of the House of

Correctly Enrolled: *[Signature]* Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

Representatives, be amended to empower and direct the State Election Board to use a certain prescribed formula after each Federal Decennial Census to apportion membership in the House of Representatives; vesting original jurisdiction in Oklahoma Supreme Court to force the State Election Board to apportion within prescribed time; and repealing Sections 12, 13, 14, 15 and 16, Article V, of the Oklahoma Constitution, be approved by the people? _____

/ YES

SHALL THE PROPOSED AMENDMENT BE APPROVED?

/ NO

— SECTION 4. The Speaker of the House of Representatives shall, immediately after the effective date of this Resolution, prepare and file one copy thereof, including the above ballot title, with the Secretary of State, and one copy with the Attorney General.

— SECTION 5. A special election is hereby ordered to be held throughout the State on Tuesday, September 12, 1961, or on the date of any earlier statewide election, at which the proposed amendment to the Constitution of the State of Oklahoma, set forth in Section 1 of this Resolution shall be submitted to the people of Oklahoma for their approval or rejection as and in the manner provided by law. _____

Correctly Enrolled: *[Signature]* Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

Passed the House of Representatives the 28th day of July, 1961.

Don Latta

Speaker of the House of Representatives.

Passed the Senate the 28th day of July, 1961.

Walter D. Huddleston

President of the Senate.

OFFICE OF SECRETARY OF STATE

Received by the Secretary of State

this 29 day of July, 1961,

at 8:50 o'clock PM m.

William N. Christian

By: *A. Jones*

Correctly Enrolled: *Don Latta* Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

MAC Q. WILLIAMSON
ATTORNEY GENERAL



STATE OF OKLAHOMA
OFFICE OF THE ATTORNEY GENERAL
OKLAHOMA CITY

August 3, 1961

Honorable William N. Christian
Secretary of State
B U I L D I N G

Dear Sir:

You are advised that on July 28, 1961, the Attorney General received from Louise Stockton, Chief Clerk of the House of Representatives, a duly authenticated copy of Enrolled House Joint Resolution No. 527 of the regular session of the 28th Legislature of the State of Oklahoma, wherein is set forth a proposed amendment of Section 10 of Article V of the Oklahoma Constitution, together with a proposed ballot title. Pursuant to the duty imposed upon him by 34 O. S. 1951 § 9, the Attorney General has examined said ballot title and finds that same is not in legal form and not in harmony with the law. The Attorney General, therefore, submits the following ballot title, same being in legal form and in harmony with the law.

BALLOT TITLE

LEGISLATIVE REFERENDUM NO. 136

STATE QUESTION NO. 407

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

Shall a Constitutional Amendment

Amending Section 10, Article V, of the Oklahoma Constitution to empower and direct the State Election Board to use a certain prescribed formula after each Federal Decennial Census to apportion membership in the House of Representatives; vesting original jurisdiction in Oklahoma Supreme Court to force said Board to make such apportionment; and repealing Sections 12, 13, 14, 15 and 16, Article V, of the Oklahoma Constitution,

be approved by the people?

SHALL THE PROPOSED AMENDMENT BE APPROVED?

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 Yes.

 No.

In view of the provisions of 34 O. S. 1951 § 9, and the fact that no appeal is authorized to be taken from a ballot title revised and approved by the Attorney General it becomes your duty to forthwith transmit to the Secretary of the State Election Board an attested copy of the pending proposition including such approved title.

Yours very truly,

FOR THE ATTORNEY GENERAL



Sam H. Lattimore
 Assistant Attorney General

SHL:lc