

Resolution

ENROLLED HOUSE JOINT
RESOLUTION NO. 559

BY: McCUNE of the House
and
GEE of the Senate

A JOINT RESOLUTION DIRECTING THE SECRETARY OF STATE TO REFER TO THE PEOPLE FOR THEIR APPROVAL OR REJECTION A PROPOSED AMENDMENT TO THE OKLAHOMA CONSTITUTION, AMENDING SECTION 19 OF ARTICLE II OF THE CONSTITUTION OF THE STATE OF OKLAHOMA; PROVIDING THE RIGHT OF TRIAL BY JURY SHALL REMAIN INVIOLETE EXCEPT IN CIVIL CASES INVOLVING LESS THAN ONE HUNDRED DOLLARS OR IN CRIMINAL CASES WHEREIN THE OFFENSE CHARGED IS PUNISHABLE BY FINE ONLY, NOT EXCEEDING ONE HUNDRED DOLLARS; PROVIDING THAT LEGISLATURE MAY PROVIDE FOR JURY TRIALS IN CASES INVOLVING LESSER AMOUNTS; PRESCRIBING THE NUMERICAL CONSTITUENCY OF JURIES IN CERTAIN CASES AND THE CONCURRENCE OF JURORS THEREOF REQUIRED FOR VERDICTS; PROVIDING AN EFFECTIVE DATE; PROVIDING A BALLOT TITLE; AND ORDERING A SPECIAL ELECTION.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE SECOND SESSION OF THE THIRTY-FIRST OKLAHOMA LEGISLATURE:

SECTION 1. The Secretary of State of the State of Oklahoma shall refer to the people for their approval or rejection, as and in the manner provided by law, the following amendment to the Constitution of Oklahoma, amending Section 19 of Article II of the Constitution of Oklahoma, to read as follows:

Section 19. The right of trial by jury shall be and remain inviolate, except in civil cases wherein the amount in controversy does not exceed One Hundred Dollars (\$100.00), or in criminal cases wherein punishment for the offense charged is by fine only, not exceeding One Hundred Dollars (\$100.00). Provided, however, that the Legislature may provide for jury trial in cases involving lesser amounts. Juries for the trial of civil and criminal cases shall

Correctly Enrolled: *Lee Carter*, Vice Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

consist of twelve (12) persons; but in the trial of misdemeanors, proceedings for the violation of ordinances or regulations of cities and towns, juvenile proceedings, actions for forcible entry and detainer, or detention only, of real property and collection of rents therefor, and civil cases concerning causes of action involving less than Twenty-five Hundred Dollars (\$2,500.00), juries shall consist of six (6) persons. 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 verdict shall be in writing and signed by each juror concurring therein.

SECTION 2. This amendment shall become effective January 13, 1969.

SECTION 3. The ballot title for said proposed amendment to the Oklahoma Constitution shall be in the following form:

BALLOT TITLE

Legislative Referendum No. _____ State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

Shall a Constitutional Amendment

amending Section 19, Article II, of the Constitution of Oklahoma; providing the right of jury trial shall be afforded in all cases except in civil cases involving One Hundred Dollars (\$100.00) or less and criminal cases wherein punishment for the offense charged is by fine only, not exceeding One Hundred Dollars (\$100.00); providing juries for the trial of civil and criminal cases shall consist of twelve (12) persons, but in the trial of misdemeanors, proceedings for the violation of ordinances or regulations of cities and towns, juvenile proceedings, actions for forcible entry and

Correctly Enrolled: *Len Cates*, Vice Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

detention, or detention only, of real property and collection of rents therefor, and in civil actions involving less than Twenty-five Hundred Dollars (\$2,500.00), juries shall consist of six (6) persons; providing that in civil cases, and in criminal cases less than felonies, three-fourths (3/4) concurrence of the whole number of jurors shall have power to render a verdict but in all other cases the entire number of jurors must concur to render a verdict; providing in case a verdict is rendered by less than the whole number of jurors the verdict shall be signed by each juror concurring therein; providing this Amendment shall be effective January 13, 1969,

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 adoption 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 of the State of Oklahoma.

SECTION 5. A special election is hereby ordered to be held throughout the State of Oklahoma on the date of the next statewide runoff primary election, at which time the proposed amendment to the Constitution of the State of Oklahoma, set forth in Sections 1 and 2 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: Lee Cate, Vice Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

Passed the House of Representatives the 24th day of April, 1968.

Rec. Purcell

Speaker

of the House of Representatives.

Passed the Senate the 17th day of April, 1968.

John Smith

President

of the Senate.

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this 25
day of April 1968,
at 4:00, o'clock P. M.
By: *[Signature]*

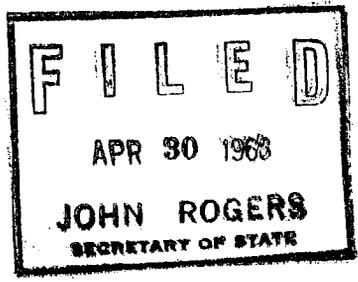
Correctly Enrolled: *Lee Carter*, Vice Chairman, COMMITTEE ON ENCROSSED AND ENROLLED BILLS



THE ATTORNEY GENERAL
OF OKLAHOMA

Oklahoma City, Okla. 73105

April 29, 1968



G. T. BLANKENSHIP
ATTORNEY GENERAL

Honorable John Rogers
Secretary of State
State Capitol Building
Oklahoma City, Oklahoma

Dear Mr. Rogers:

You are hereby notified that pursuant to the discretion and duty lodged in and imposed upon the Attorney General by 34 O.S. Supp. 1967, § 9, he has examined the proposed ballot title to Enrolled Senate Joint Regulation No. 559 of the 2nd Regular Session of the 31st Oklahoma Legislature, which, together with a copy of said Resolution, was delivered to him on April 26, 1968, and from said examination finds that said ballot title is not in legal form, nor in harmony with the law. Therefore, the Attorney General submits the following ballot title which, in his opinion, is in legal form and in harmony with the law.

BALLOT TITLE

STATE QUESTION NO. 459 LEGISLATIVE REFERENDUM NO. 172

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

Shall a Constitutional Amendment

amending Section 19, Article II, Oklahoma Constitution; providing jury trial inviolate except where amount or fine is under \$100.00; Legislature may provide for jury in cases involving lesser amounts; juries shall consist of twelve persons except six person jury may try misdemeanors, violations of city ordinances, forcible entry and detainer and civil cases involving under \$2,500.00; three-fourths of jury can decide civil cases and criminal cases less than felonies but verdict must be written, signed by those concurring; other cases all jurors must concur; effective date January 13, 1969,

Mr. Rogers

-2-

April 30, 1968

be approved by the people?

YES

SHALL THE PROPOSED AMENDMENT BE APPROVED?

NO

Inasmuch as 34 O.S. Supp. 1967, § 9, supra, expressly provides that

"no appeal shall be allowed as to ballot titles of constitutional or legislative enactments proposed by the Legislature which ballot titles have been approved or revised by the Attorney General,"

it is your duty, under the provisions of said section, to immediately

"transmit to the Secretary of the State Election Board an attested copy of the pending proposition, including such approved title."

Yours very truly,



G. T. Blankenship
Attorney General

GTB:ch