Resolution

ENROLLED HOUSE JOINT
RESOLUTION NO. 559

BY: McCUNE of the House
and
GRE 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
INVIOULATE 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
THERETO 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 Constitu-
tion of Oklahoma, amending Section 19 of Article II of the Con-
stitution of Oklahoma, to read as follows:

Section 19. The right of trial by jury shall be and remain
invioulate, 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
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
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 Amend-
ment shall be effective January 13, 1969,
be approved by the people?

SHALL THE PROPOSED AMENDMENT BE APPROVED?

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

Speaker of the House of Representatives.

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

President of the Senate.

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this 25th day of April, 1968, at 4:00 o'clock P.M.

By: ____________________________
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 Resolution 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.

**BALKET TITLE**

STATE QUESTION NO. 457 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 misdeemors, 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,
be approved by the people?

SHALL THE PROPOSED AMENDMENT BE APPROVED?

☑️ YES
☑️ 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,

[Signature]

G. T. Blankenship
Attorney General

GTB:ch