

ENROLLED HOUSE BILL NO. 2259

ENACTED BY THE SECOND REGULAR SESSION OF THE

49TH LEGISLATURE OF THE STATE OF OKLAHOMA

NUMBERED BY THE SECRETARY OF STATE

STATE QUESTION NUMBER 711

LEGISLATIVE REFERENDUM NUMBER 334

RECEIVED: April 26, 2004

An Act

ENROLLED HOUSE
BILL NO. 2259

By: Wilt, Nance, Adkins, Armes,
Balkman, Bengé, Cargill,
Case, Claunch, Dank, Davis,
DeWitt, Ericson, Graves,
Greenwood, Hastings, Jones,
Liotta, Miller (Doug),
Morgan (Fred), Newport,
Peterson (Pam), Piatt,
Reynolds, Roggow, Steele,
Tibbs, Trebilcock, Vaughn,
Winchester, Wright and
Young of the House

and

Coffee, Corn, Williamson
and Lawler of the Senate

An Act relating to crimes and punishments; directing the Secretary of State to refer to the people for their approval or rejection a proposed amendment to the Oklahoma Constitution by adding a new section to Article II to be designated as Section 35; defining marriage; prohibiting certain construction; barring recognition of certain marriages; creating misdemeanor; providing ballot title; and directing filing.

BE IT ENACTED BY THE PEOPLE 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 Article II of the Constitution of the State of Oklahoma by adding a new Section 35 to read as follows:

Section 35. A. Marriage in this state shall consist only of the union of one man and one woman. Neither this Constitution nor any other provision of law shall be construed to require that marital status or the legal incidents thereof be conferred upon unmarried couples or groups.

B. A marriage between persons of the same gender performed in another state shall not be recognized as valid and binding in this state as of the date of the marriage.

C. Any person knowingly issuing a marriage license in violation of this section shall be guilty of a misdemeanor.

SECTION 2. The Ballot Title for the proposed Constitutional amendment as set forth in SECTION 1 of this act shall be in the following form:

BALLOT TITLE

Legislative Referendum No. _____ State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure adds a new section of law to the Constitution. It adds Section 35 to Article 2. It defines marriage to be between one man and one woman. It prohibits giving the benefits of marriage to people who are not married. It provides that same sex marriages in other states are not valid in this state. It makes issuing a marriage license in violation of this section a misdemeanor.

SHALL THIS AMENDMENT BE APPROVED BY THE PEOPLE?

- YES, FOR THE AMENDMENT
- NO, AGAINST THE AMENDMENT

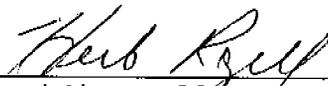
SECTION 3. The President Pro Tempore of the Senate shall, immediately after the passage of this act, prepare and file one copy thereof, including the Ballot Title set forth in SECTION 2 hereof, with the Secretary of State and one copy with the Attorney General.

Passed the House of Representatives the 22nd day of April, 2004.



Presiding Officer of the House
of Representatives

Passed the Senate the 15th day of April, 2004.



Presiding Officer of the Senate

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this 26th
day of April 20 04,
at 2:41, o'clock P. M.

By: M. Linn Swager



W. A. DREW EDMONDSON
ATTORNEY GENERAL OF OKLAHOMA

April 27, 2004

FILE
APR 27 2004
OKLAHOMA SECRETARY
OF STATE

M. Susan Savage, Secretary of State
Office of the Secretary of State
101 State Capitol Building
Oklahoma City, Oklahoma 73105

The Honorable Cal Hobson
President Pro Tempore
422 State Capitol Building
Oklahoma City, Oklahoma 73105

The Honorable Larry E. Adair
Speaker of the House of Representatives
401 State Capitol Building
Oklahoma City, Oklahoma 73105

Re: **Ballot Title for State Question No. 711,
Legislative Referendum No. 334**

Dear Speaker Adair, President Pro Tempore Hobson, and Secretary Savage:

We have, in accordance with provisions of 34 O.S. 2001, § 9(C), reviewed the Ballot Title for the above-referenced State Question and conclude that it is in harmony with the law. We point out, however, that the bold language following the actual language of the Ballot Title does not fully comply with the requirements of 26 O.S. 2001, § 6-113, which requires the following language to follow the substantive language of the Ballot Title:

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL – YES _____

AGAINST THE PROPOSAL – NO _____



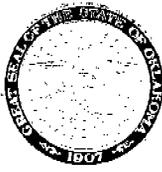
As a Title 34 Ballot Title review, this letter does not constitute an Attorney General Opinion on the merits or constitutionality of the underlying proposed changes in the law.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "W.A. Edmondson".

W.A. DREW EDMONDSON
ATTORNEY GENERAL

WAE:seh



FILED
AUG 13 2004
OKLAHOMA SECRETARY
OF STATE

Brad Henry
Governor
EXECUTIVE DEPARTMENT

EXECUTIVE PROCLAMATION

I, Brad Henry, Governor of the State of Oklahoma, pursuant to the provisions of Section 3 of Article V and Section 1 of Article XXIV of the Oklahoma Constitution, and Section 12 of Title 34 of the Oklahoma Statutes, and the referral by the Secretary of State do hereby declare that Legislative Referendum Number 334, State Question 711, be submitted to qualified electors of the State of Oklahoma for their approval or rejection at the general election to be held statewide on November 2, 2004.

The substance of the measure is as follows:

This measure adds a new section of law to the Constitution. It adds Section 35 to Article 2. It defines marriage to be between one man and one woman. It prohibits giving the benefits of marriage to people who are not married. It provides that same sex marriages in other states are not valid in this state. It makes issuing a marriage license in violation of this section a misdemeanor.

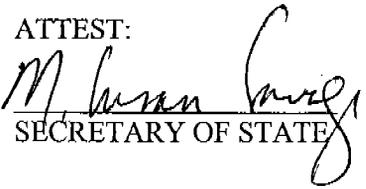
Copies of this Executive Proclamation shall be delivered to the Secretary of State, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Secretary of the State Election Board.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 13TH day of August, 2004.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA



Brad Henry

ATTEST:


SECRETARY OF STATE