ENROLLED SENATE JOINT RESOLUTION 25
ENACTED BY THE FIRST REGULAR SESSION OF THE
52ND LEGISLATURE OF THE STATE OF OKLAHOMA
NUMBERED BY THE SECRETARY OF STATE

STATE QUESTION NUMBER 748
LEGISLATIVE REFERENDUM NUMBER 349

RECEIVED: APRIL 22, 2009
Resolution

ENROLLED SENATE
JOINT
RESOLUTION NO. 25

By: Coffee of the Senate
and
Benge of the House

A Joint Resolution directing the Secretary of State
to refer to the people for their approval or
rejection a proposed amendment to Sections 11A and
11B of Article V of the Oklahoma Constitution;
changing name of the Apportionment Commission;
modifying membership of the Commission; providing for
chair of Commission; modifying the number of members
of the Commission required to sign certain orders;
providing ballot title; and directing filing.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
1ST SESSION OF THE 52ND OKLAHOMA LEGISLATURE:

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 11A of Article V of the
Oklahoma Constitution to read as follows:

Section 11A. The apportionment of the Legislature shall be
accomplished by the Legislature according to the provisions of this
article, within ninety (90) legislative days after the convening of
the first regular session of the Legislature following each Federal
Decennial Census. If the Legislature shall fail or refuse to make
such apportionment within the time provided herein, then such
apportionment shall be accomplished by an Apportionment the
Bipartisan Commission composed of the Attorney General,
Superintendent of Public Instruction and the State Treasurer of the
State of Oklahoma on Legislative Apportionment, according to the
provisions of this article. The Commission shall be composed of seven (7) members as follows: the Lieutenant Governor, who shall be nonvoting and the chair of the Commission; two members, one republican and one democrat, appointed by the President Pro Tempore of the Senate; two members, one republican and one democrat, appointed by the Speaker of the House of Representatives; and two members, one republican and one democrat, appointed by the Governor.

SECTION 2. 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 11B of Article V of the Oklahoma Constitution to read as follows:

Section 11B. Each order of apportionment rendered by the Apportionment Bipartisan Commission on Legislative Apportionment shall be in writing and shall be filed with the Secretary of State and shall be signed by at least four members of the Commission.

SECTION 3. The Ballot Title for the proposed Constitutional amendments as set forth in SECTIONS 1 and 2 of this resolution shall be in the following form:

BALLOT TITLE

Legislative Referendum No. _____ State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

This measure amends Sections 11A and 11B of Article 5 of the State Constitution. The measure would change the name of the Apportionment Commission. The new name would be the Bipartisan Commission on Legislative Apportionment. Currently, the members of the Apportionment Commission are the Attorney General, the Superintendent of Public Instruction and the State Treasurer. The membership would be changed to seven members. The voting members of the Commission would consist of equal numbers of republicans and democrats. One democrat and one republican would be appointed by the President Pro Tempore of the Senate. One democrat and one republican would be appointed by the Speaker of the House of Representatives. One democrat and one republican would be appointed by the Governor. The Lieutenant Governor would be a nonvoting member. The Lieutenant Governor
would serve as chair of the Commission. Currently, at least two members of the Commission are required to sign orders of apportionment. The measure would change the number to four members.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL — YES

AGAINST THE PROPOSAL — NO

SECTION 4. The President Pro Tempore of the Senate shall, immediately after the passage of this resolution, prepare and file one copy thereof, including the Ballot Title set forth in SECTION 3 hereof, with the Secretary of State and one copy with the Attorney General.

Passed the Senate the 10th day of March, 2009.

[Signature]
Presiding Officer of the Senate

Passed the House of Representatives the 21st day of April, 2009.

[Signature]
Presiding Officer of the House of Representatives

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this 22nd day of April, 2009, at 2:35 o'clock P. M.

By: [Signature]

ENR. S. J. R. NO. 25
April 22, 2009

The Honorable Drew Edmondson
Attorney General
313 NE 21st Street
Oklahoma City, Oklahoma 73105

Dear Attorney General Edmondson:

You are hereby notified that Enrolled Senate Joint Resolution 25 was received in the Office of the Secretary of State this 22nd day of April, 2009. This bill has been designated as State Question Number 748, Legislative Referendum Number 349.

Pursuant to 34 O.S., 2008 Supp., Section 9, this office is submitting the proposed ballot title to you for review.

If our office may be of further assistance, please let us know.

Sincerely,

M. Susan Savage
Secretary of State

MSS/kj
April 29, 2009

The Honorable M. Susan Savage
Oklahoma Secretary of State
Room 101, State Capitol Building
Oklahoma City, Oklahoma 73105

Re: State Question Number 748
    Legislative Referendum Number 349

Dear Secretary Savage:

Thank you for your letter regarding the above matter. I have referred this information to Sandra Rinehart, Senior Assistant Attorney General, for his information and use.

If you have any questions, please feel free to contact Ms. Rinehart directly.

Sincerely,

W.A. DREW EDMONDSON
ATTORNEY GENERAL

cc: Sandra Rinehart
M. Susan Savage, Secretary of State  
Office of the Secretary of State  
2300 N. Lincoln Blvd., Room 101  
Oklahoma City, Oklahoma 73105-4897

The Honorable Glenn Coffee  
Senate President Pro Tempore  
State Capitol, Room 418  
2300 N. Lincoln Boulevard  
Oklahoma City, OK 73105

The Honorable Chris Benge  
Speaker of the House of Representatives  
State Capitol, Room 401  
2300 N. Lincoln Boulevard  
Oklahoma City, OK 73105

Re: Ballot Title for State Question No. 748, Legislative Referendum 349

Dear Secretary Savage, Senator Coffee, and Speaker Benge:

In accordance with the provisions of 34 O.S. Supp. 2008, § 9(C), we have reviewed the Ballot Title for the above-referenced State Question and conclude that it does not comply with applicable laws for the following reason:

- It is not written on the 8th grade reading comprehension level.

Having found that the Ballot Title does not comply with applicable law, we will, in conformity with the provisions of 34 O.S. Supp. 2008, § 9(C), within ten (10) business days, prepare a preliminary Ballot Title which complies with the law.

Respectfully submitted,

TOM GRUBER  
FIRST ASSISTANT ATTORNEY GENERAL

313 N.E. 21ST STREET • OKLAHOMA CITY, OK 73105 • (405) 521-3921 • FAX: (405) 521-6246  
recycled paper
Office of Attorney General
State of Oklahoma

May 13, 2009

M. Susan Savage, Secretary of State
Office of the Secretary of State
2300 N. Lincoln Blvd., Room 101
Oklahoma City, Oklahoma 73105-4897

The Honorable Glenn Coffee
Senate President Pro Tempore
State Capitol, Room 422
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

The Honorable Chris Benge
Speaker of the House of Representatives
State Capitol, Room 401
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

Re: Preliminary Ballot Title for State Question No. 748, Legislative Referendum No. 349

Dear Secretary Savage, Senator Coffee, and Speaker Benge:

The following is the preliminary ballot title we have prepared in accordance with 34 O.S.Supp.2008, § 9(C). We determined the proposed ballot title was defective and have prepared this preliminary ballot title which complies with the applicable law.

Pursuant to 34 O.S.Supp.2008, § 9(C), we may consider any comments made by the President Pro Tempore of the Senate and the Speaker of the House of Representatives and are required to file a final ballot title with the Secretary of State no sooner than ten (10) business days and no later than fifteen (15) business days after furnishing this preliminary ballot title. We ask that, if you have any comments to the ballot title, you provide them to us by May 29, 2009, so that we may have an opportunity to consider them in preparing the final ballot title.
The preliminary ballot title reads as follows:

This measure amends Sections 11A and 11B of Article 5 of the Oklahoma Constitution. These provisions deal with how the Legislature is divided into districts. This process is known as apportionment. The Legislature must make an apportionment after each ten-year federal census. If the Legislature fails to act, an Apportionment Commission must do so. The measure changes the name of this Commission. It removes all three existing Commission members. It removes the Attorney General. It removes the Superintendent of Public Instruction. It also removes the State Treasurer.

The measure increases the number of members from three to seven. The President Pro Tempore of the Senate appoints one Democrat and one Republican. The Speaker of the House of Representatives appoints one Democrat and one Republican. The Governor appoints one Democrat and one Republican.

The measure provides that the Lieutenant Governor chairs the Commission and is a nonvoting member. It requires orders of apportionment to be signed by at least four members of the Commission.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES

AGAINST THE PROPOSAL - NO

If you have any questions you may contact Senior Assistant Attorney General Sandy Rinehart at 522-4392. Thank you.

Respectfully submitted,

W. A. DREW EDMONDSON
ATTORNEY GENERAL

WAE/ab
M. Susan Savage, Secretary of State
Office of the Secretary of State
2300 N. Lincoln Blvd., Room 101
Oklahoma City, Oklahoma 73105-4897

The Honorable Glenn Coffee
Senate President Pro Tempore
State Capitol, Room 422
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

The Honorable Chris Benge
Speaker of the House of Representatives
State Capitol, Room 401
2300 N. Lincoln Boulevard
Oklahoma City, OK 73105

Re: Final Ballot Title for State Question No. 748, Legislative Referendum No. 349

Dear Secretary Savage, Senator Coffee, and Speaker Benge:

Having found that the proposed ballot title for the above referenced state question did not comply with applicable laws, we have, in accordance with the provisions of 34 O.S. Supp. 2008, § 9(C), prepared the following Final Ballot Title. As a Title 34 Ballot Title review, the following does not constitute an Attorney General Opinion on the merits or constitutionality of the underlying proposed changes in the law. The Final Ballot Title reads as follows:

FINAL BALLOT TITLE FOR STATE QUESTION NO. 748

This measure amends Sections 11A and 11B of Article 5 of the Oklahoma Constitution. These provisions deal with how the Legislature is divided into districts. This process is known as apportionment. The Legislature must make an apportionment after
each ten-year federal census. If the Legislature fails to act, an Apportionment Commission must do so. The measure changes the name of this Commission. It removes all three existing Commission members. It removes the Attorney General. It removes the Superintendent of Public Instruction. It also removes the State Treasurer.

The measure increases the number of members from three to seven. The President Pro Tempore of the Senate appoints one Democrat and one Republican. The Speaker of the House of Representatives appoints one Democrat and one Republican. The Governor appoints one Democrat and one Republican.

The measure provides that the Lieutenant Governor chairs the Commission and is a nonvoting member. It requires orders of apportionment to be signed by at least four members of the Commission.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES

AGAINST THE PROPOSAL - NO

Respectfully submitted,

[Signature]

W. A. DREW EDMONDSON
ATTORNEY GENERAL

WAE/ab
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 349, State Question 748, 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, 2010.

The substance of the measure is as follows:

This measure amends Sections 11A and 11B of Article 5 of the Oklahoma Constitution. These provisions deal with how the Legislature is divided into districts. This process is known as apportionment. The Legislature must make an apportionment after each ten-year federal census. If the Legislature fails to act, an Apportionment Commission must do so. The measure changes the name of this Commission. It removes all three existing Commission members. It removes the Attorney General. It removes the Superintendent of Public Instruction. It also removes the State Treasurer.

The measure increases the number of members from three to seven. The President Pro Tempore of the Senate appoints one Democrat and one Republican. The Speaker of the House of Representatives appoints one Democrat and one Republican. The Governor appoints one Democrat and one Republican.

The measure provides that the Lieutenant Governor chairs the Commission and is a nonvoting member. It requires orders of apportionment to be signed by at least four members of the Commission.

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 9th day of August, 2010.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

BRAD HENRY
August 10, 2010

The Honorable Paul Ziriax
Secretary, State Election Board
State Capitol, Room 3
Oklahoma City, Oklahoma 73105

Dear Secretary Ziriax:

Enclosed are copies of the Governor’s Proclamations calling for the election on:

- State Question Number 744, Initiative Petition Number 391
- State Question Number 746, Legislative Referendum Number 347
- State Question Number 747, Legislative Referendum Number 348
- State Question Number 748, Legislative Referendum Number 349
- State Question Number 750, Legislative Referendum Number 350
- State Question Number 751, Legislative Referendum Number 351
- State Question Number 752, Legislative Referendum Number 352
- State Question Number 754, Legislative Referendum Number 354
- State Question Number 755, Legislative Referendum Number 355
- State Question Number 756, Legislative Referendum Number 356
- State Question Number 757, Legislative Referendum Number 357

If there are any questions, or if our office may be of further assistance, please do not hesitate to let us know.

Sincerely,

M. Susan Savage
Secretary of State

MSS/kj
November 12, 2010

The Honorable M. Susan Savage
Secretary of State
Room 101, State Capitol
Oklahoma City, Oklahoma 73105

Dear Ms. Savage:

Enclosed please find a copy of the official returns of the vote at the General Election on November 2, 2010, on the following measures, as certified to the Governor of the State of Oklahoma. The results of the vote on State Question 755, Legislative Referendum 355, have not been certified by the State Election Board and are not included.

State Question No. 744, Initiative Petition No. 391
State Question No. 746, Legislative Referendum No. 347
State Question No. 747, Legislative Referendum No. 348
State Question No. 748, Legislative Referendum No. 349
State Question No. 750, Legislative Referendum No. 350
State Question No. 751, Legislative Referendum No. 351
State Question No. 752, Legislative Referendum No. 352
State Question No. 754, Legislative Referendum No. 354
State Question No. 756, Legislative Referendum No. 356
State Question No. 757, Legislative Referendum No. 357

Sincerely,

PAUL ZIRIAK, Secretary
State Election Board

PZ/mf

Receipt of the above hereby is acknowledged on this ___ day of November, 2010.

By: ____________________

Time: ___:___ AM
November 12, 2010

The Honorable Brad Henry
Governor of the State of Oklahoma
Room 212, State Capitol
Oklahoma City, Oklahoma 73105

Dear Governor Henry:

Pursuant to the provisions of 26 O.S. 2001, §12-118, the State Election Board herewith certifies the results of the vote at the General Election on November 2, 2010, on the following measures. The results of the vote on State Question 755, Legislative Referendum 355, have not been certified by the State Election Board and are not included.

STATE QUESTION No. 744
INITIATIVE PETITION No. 391

YES: 189,164
NO: 828,589

STATE QUESTION No. 746
LEGISLATIVE REFERENDUM No. 347

YES: 746,053
NO: 257,523

STATE QUESTION No. 747
LEGISLATIVE REFERENDUM No. 348

YES: 695,592
NO: 299,789
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STATE QUESTION No. 756
LEGISLATIVE REFERENDUM No. 356

YES:  638,530
NO:  347,956

STATE QUESTION No. 757
LEGISLATIVE REFERENDUM No. 357

YES:  499,287
NO:  479,353

Sincerely,

PZ/mf

Paul Ziriax, Secretary
State Election Board

Receipt of the above hereby is acknowledged on this 16th day of November, 2010.

By:

Time: 9:30 am
EXECUTIVE DEPARTMENT

EXECUTIVE PROCLAMATION

I, Brad Henry, Governor of the State of Oklahoma, pursuant to the authority vested in me by the provisions of Section 12-118 of Title 26 of the Oklahoma Statutes and the Certification by the State Election Board, do hereby proclaim State Question Number 748 to have passed. The results of the election held on November 2, 2010, on State Question 748, Legislative Referendum Number 349, are as follows:

Total Votes - 971,021

YES - 567,288
NO - 403,733

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 5th day of January, 2011.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

[Signature]

BRAD HENRY

ATTEST:

SECRETARY OF STATE