

ENROLLED SENATE JOINT RESOLUTION 15
ENACTED BY THE FIRST REGULAR SESSION OF THE
53RD LEGISLATURE OF THE STATE OF OKLAHOMA
NUMBERED BY THE SECRETARY OF STATE

STATE QUESTION NUMBER 759
LEGISLATIVE REFERENDUM NUMBER 359

RECEIVED: May 3, 2011

Resolution

ENROLLED SENATE
JOINT
RESOLUTION NO. 15

By: Johnson (Rob) and Shortey
of the Senate

and

Osborn, Jackson,
Trebilcock, Bennett, Grau,
Faight, Ritze, Derby, and
McCullough 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 the Oklahoma Constitution by adding a new Section 36 to Article II; prohibiting certain preferential treatment or discrimination; stating applicability of act; construing provisions; defining term; providing remedies; providing ballot title; and directing filing.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 1ST SESSION OF THE 53RD 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 the Oklahoma Constitution by adding a new Section 36 to Article II to read as follows:

Section 36. A. The state shall not grant preferential treatment to, or discriminate against, any individual or group on the basis of race, color, sex, ethnicity or national origin in the operation of public employment, public education or public contracting.

B. This section shall apply only to action taken after the effective date of this section.

C. Nothing in this section shall be interpreted as prohibiting bona fide qualifications based on sex that are reasonably necessary to the normal operation of public employment, public education or public contracting.

D. Nothing in this section shall be interpreted as invalidating any court order or consent decree that is in force as of the effective date of this section.

E. Nothing in this section shall be interpreted as prohibiting action that must be taken to establish or maintain eligibility for any federal program, where ineligibility would result in a loss of federal funds to the state.

F. For the purposes of this section, "state" shall include, but not be limited to, the state itself or an agency, institution, instrumentality, or political subdivision of the state.

G. The remedies available for violations of this section shall be the same, regardless of the injured party's race, color, sex, ethnicity or national origin, as are otherwise available for violations of the antidiscrimination laws of this state.

SECTION 2. The Ballot Title for the proposed Constitutional amendment as set forth in SECTION 1 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 the Oklahoma Constitution. It adds a new Section 36 to Article II. It will not allow special treatment or discrimination based on race or sex in public employment, education or contracts. It gives exceptions for some situations. It sets out remedies for violations.

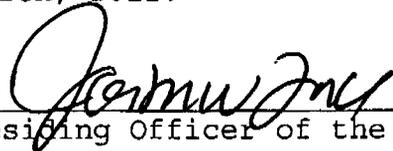
SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES _____

AGAINST THE PROPOSAL - NO _____

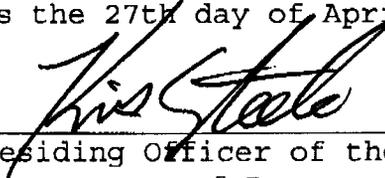
SECTION 3. The President Pro Tempore of the Senate shall, immediately after the passage of this resolution, prepare and file one copy thereof, including the Ballot Title set forth in SECTION 2 hereof, with the Secretary of State and one copy with the Attorney General.

Passed the Senate the 8th day of March, 2011.



Presiding Officer of the Senate

Passed the House of Representatives the 27th day of April, 2011.



Presiding Officer of the House
of Representatives

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this _____

3rd day of May, 2011,

at 12:15 o'clock P. M.

By: Michelle R. Dery



OKLAHOMA SECRETARY OF STATE

2300 N. LINCOLN BLVD. ROOM 101

OKLAHOMA CITY, OK 73105-4897

(405) 521-3912

Fax # (405) 521-3771

V. Glenn Coffee
Secretary of State

Mary Fallin
Governor

May 3, 2011

The Honorable E. Scott Pruitt
Attorney General
313 NE 21st Street
Oklahoma City, Oklahoma 73105

Dear Attorney General Pruitt:

You are hereby notified that Enrolled Senate Joint Resolution 15 was received in the Office of the Secretary of State this 3rd day of May, 2011. This resolution has been designated as **State Question Number 759, Legislative Referendum Number 359.**

Pursuant to 34 O.S., 2010 Supp., Section 9, this office is submitting the proposed ballot title to you for review.

If this office may be of further assistance, please advise.

Sincerely;

A handwritten signature in cursive script that reads "Michelle R. Day".

Michelle Day
Assistant Secretary of State

MD/kj



OKLAHOMA SECRETARY OF STATE

2300 N. LINCOLN BLVD. ROOM 101

OKLAHOMA CITY, OK 73105-4897

(405) 521-3912

Fax # (405) 521-3771

V. Glenn Coffee
Secretary of State

Mary Fallin
Governor

May 3, 2011

The Honorable Mary Fallin
Governor, State of Oklahoma
State Capitol, Room 212
Oklahoma City, Oklahoma 73105

Dear Governor Fallin:

You are hereby notified that Enrolled Senate Joint Resolution 15 was received in the Office of the Secretary of State this 3rd day of May, 2011. This resolution has been designated as **State Question Number 759, Legislative Referendum Number 359.**

This office has submitted the proposed ballot title to the Attorney General for review as required by 34 O.S. 2010 Supp., Section 9. The official ballot title will be submitted to you upon completion of the review.

If this office may be of further assistance, please advise.

Sincerely,


Michelle Day
Assistant Secretary of State

MD/kj

RECEIVED

MAY 03 2011

OFFICE OF THE
GOVERNOR

at 2:43 pm.
JRR



OKLAHOMA SECRETARY OF STATE

2300 N. LINCOLN BLVD. ROOM 101

OKLAHOMA CITY, OK 73105-4897

(405) 521-3912

Fax # (405) 521-3771

V. Glenn Coffee
Secretary of State

Mary Fallin
Governor

May 3, 2011

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

Dear Secretary Ziriaux:

You are hereby notified that Enrolled Senate Joint Resolution 15 was received in the Office of the Secretary of State this 3rd day of May, 2011. This resolution has been designated as **State Question Number 759, Legislative Referendum Number 359.**

This office has submitted the proposed ballot title to the Attorney General for review as required by 34 O.S. 2010 Supp., Section 9. The official ballot title will be submitted to you upon completion of the review.

If this office may be of further assistance, please advise.

Sincerely,

A handwritten signature in cursive script that reads "Michelle R Day".

Michelle Day
Assistant Secretary of State

MD/kj

RECEIVED

MAY 03 2011

STATE ELECTION
BOARD



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

May 18, 2011

Glenn Coffee, Secretary of State
Office of the Secretary of State
2300 N. Lincoln Blvd., Room 101
Oklahoma City, Oklahoma 73105-4897

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

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

FILED

MAY 18 2011

**OKLAHOMA SECRETARY
OF STATE**

Re: Preliminary Ballot Title for State Question No. 759, Legislative Referendum No. 359

Dear Secretary Coffee, Senator Bingman, and Speaker Steele:

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. 2010, § 9(C), prepared the following Preliminary 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, nor on the ability of federal law to preempt the changes in the law. The Preliminary Ballot Title reads as follows:

PRELIMINARY BALLOT TITLE FOR STATE QUESTION NO. 759

This measure adds a new section to the State Constitution. It adds Section 36 to Article II.

The measure deals with three areas of government action. These areas are employment, education and contracting.

In these areas, the measure does not allow affirmative action programs. Affirmative action programs give preferred treatment based on race, color or gender. They also give preferred treatment based on ethnicity or national origin. Discrimination on these bases is also not permitted.

The measure permits affirmative action in three instances. 1. When gender is a bonafide qualification, it is allowed. 2. Existing court orders and consent decrees that require preferred treatment will continue and can be followed. 3. Affirmative action is allowed when needed to keep or obtain federal funds.

The measure applies to the State and its agencies. It applies to counties, cities and towns. It applies to school districts. It applies to other State subdivisions.

The measure applies only to actions taken after its approval by the people.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES _____

AGAINST THE PROPOSAL - NO _____

Respectfully submitted,



E. Scott Pruitt
Attorney General



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

May 9, 2011

FILED

MAY 10 2011

**OKLAHOMA SECRETARY
OF STATE**

Glenn Coffee, Secretary of State
Office of the Secretary of State
2300 N. Lincoln Blvd., Room 101
Oklahoma City, Oklahoma 73105-4897

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

The Honorable Kris Steele
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. 759, Legislative Referendum No. 359

Dear Secretary Coffee, Senator Bingman, and Speaker Steele:

In accordance with the provisions of 34 O.S. Supp. 2010, § 9(C), we have reviewed the proposed Ballot Title for the above referenced State Question and conclude that it does not comply with applicable laws for the following reasons:

It does not adequately explain the **effect** of the proposition because:

- It does not explain that the measure's prohibitions also apply to preferential treatment and discrimination based on color, ethnicity or national origin.
- It does not explain to which entities the measure's prohibitions apply.
- It does not explain that the measure prohibits affirmative action programs.
- It does not explain that the measure allows some limited gender-based qualifications.
- It does not explain that the measure's prohibitions do not apply if special treatment is needed to secure or maintain federal funding.

- It does not explain that the measure allows special treatment to comply with court orders and decrees in force as of the effective date of the measure.

Having found that the Ballot Title does not comply with applicable law, we will, in conformity with the provisions of 34 O.S. Supp. 2010, § 9(C), within ten (10) business days, prepare a Preliminary Ballot Title which complies with the law.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", written over a horizontal line.

E. SCOTT PRUITT
ATTORNEY GENERAL

ESP/ab



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

June 3, 2011

Glenn Coffee, Secretary of State
Office of the Secretary of State
2300 N. Lincoln Blvd., Room 101
Oklahoma City, Oklahoma 73105-4897

FILED

JUN 3 2011

**OKLAHOMA SECRETARY
OF STATE**

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

RECEIVED

JUN 03 2011

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

**OKLAHOMA SECRETARY
OF STATE**

Re: Final Ballot Title for State Question No. 759, Legislative Referendum No. 359

Dear Secretary Coffee, Senator Bingman, and Speaker Steele:

Having found that the proposed ballot title for the above referenced state question did not comply with applicable laws and having heretofore provided a Preliminary Ballot Title, we now, in accordance with the provisions of 34 O.S.Supp.2010, § 9(C), provide 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, nor on the ability of federal law to preempt the changes in the law. The Final Ballot Title reads as follows:

FINAL BALLOT TITLE FOR STATE QUESTION NO. 759

This measure adds a new section to the State Constitution. It adds Section 36 to Article II.

The measure deals with three areas of government action. These areas are employment, education and contracting.

In these areas, the measure does not allow affirmative action programs. Affirmative action programs give preferred treatment based on race, color or gender. They also give preferred treatment based on ethnicity or national origin. Discrimination on these bases is also not permitted.

The measure permits affirmative action in three instances. 1. When gender is a bonafide qualification, it is allowed. 2. Existing court orders and consent decrees that require preferred treatment will continue and can be followed. 3. Affirmative action is allowed when needed to keep or obtain federal funds.

The measure applies to the State and its agencies. It applies to counties, cities and towns. It applies to school districts. It applies to other State subdivisions.

The measure applies only to actions taken after its approval by the people.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES _____

AGAINST THE PROPOSAL - NO _____

Respectfully submitted,



E. Scott Pruitt
Attorney General

ESP/ab



OKLAHOMA SECRETARY OF STATE

2300 N. LINCOLN BLVD. ROOM 101

OKLAHOMA CITY, OK 73105-4897

(405) 521-3912

Fax # (405) 521-3771

V. Glenn Coffee
Secretary of State

Mary Fallin
Governor

June 6, 2011

The Honorable Mary Fallin
Governor, State of Oklahoma
State Capitol, Room 212
Oklahoma City, Oklahoma 73105

Dear Governor Fallin:

Enclosed are copies of the Attorney General's final review of the proposed Ballot Title for State Question 759, Legislative Referendum 359; the State Question from Senate Joint Resolution 15; and the letter to the Oklahoma State Election Board attesting the measure.

Pursuant to the provisions of Article 24, of the Oklahoma Constitution, Section 1, this office is submitting said state question and the Attorney General's review to your office.

If there are any questions, please do not hesitate to contact this office.

Sincerely,

Michelle Day
Assistant Secretary of State

MD/kj

RECEIVED

JUN 06 2011

OFFICE OF THE
GOVERNOR

at 1:40 pm

JRR



OKLAHOMA SECRETARY OF STATE

2300 N. LINCOLN BLVD. ROOM 101

OKLAHOMA CITY, OK 73105-4897

(405) 521-3912

Fax # (405) 521-3771

V. Glenn Coffee
Secretary of State

Mary Fallin
Governor

June 6, 2011

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

Dear Secretary Zirix:

Enclosed are copies of the Attorney General's final review of the proposed Ballot Title for State Question 759, Legislative Referendum 359.

If there are any questions, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in black ink that reads "Michelle R. Day".

Michelle Day
Assistant Secretary of State

MD/kj



V. Glenn Coffee
Secretary of State



Mary Fallin
Governor

OKLAHOMA SECRETARY OF STATE

September 27, 2012

Cindy Shea
Oklahoma Press Service
3601 N. Lincoln
Oklahoma City, OK 73105

Dear Ms. Shea:

Attached for publication is the notice of proposed constitutional measures and the ballot titles for the six state questions that will appear on the November 6, 2012, General Election ballot.

I hereby request a copy of the notice and ballots to be published in accordance with 34 O.S. § 17: once, no less than five (5) days before the election, in two different newspapers of general statewide circulation and in a newspaper of general circulation in each county. If you have any questions or concerns, please contact us.

Please submit proof of publication to us as soon as possible.

Sincerely,

V. Glenn Coffee
Secretary of State

A handwritten signature in black ink that reads 'Michelle R. Day'. The signature is written in a cursive style with a large, looping 'M' and 'D'.

Michelle R. Day
Assistant Secretary of State

PROPOSED MEASURES

**General Election
November 6, 2012**

In compliance with Title 34 Oklahoma Statutes, Section 17, notice is hereby given for the proposed amendments to the Oklahoma Constitution which will appear on the ballot November 6, 2012.

V. Glenn Coffee
Secretary of State

BALLOT TITLES

STATE QUESTION NO. 758

LEGISLATIVE REFERENDUM 358

This measure amends the State Constitution. It amends Section 8B of Article 10.

The measure deals with real property taxes also called ad valorem taxes. These taxes are based on several factors. One factor is the fair cash value of the property.

The measure changes the limits on increases in fair cash value. Now, increases are limited to 5% of fair cash value in any taxable year.

The measure changes the cap on increases to 3% for some property. The 3% cap would apply to homestead exempted property. The cap would also apply to agricultural land.

The measure also removes obsolete language.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES

AGAINST THE PROPOSAL - NO

STATE QUESTION NO. 759

LEGISLATIVE REFERENDUM 359

This measure adds a new section to the State Constitution. It adds Section 36 to Article II.

The measure deals with three areas of government action. These areas are employment, education and contracting.

In these areas, the measure does not allow affirmative action programs. Affirmative action programs give preferred treatment based on race, color or gender. They also give preferred treatment based on ethnicity or national origin. Discrimination on these bases is also not permitted.

The measure permits affirmative action in three instances. 1. When gender is a bonafide qualification, it is allowed. 2. Existing court orders and consent decrees that require preferred

treatment will continue and can be followed. 3. Affirmative action is allowed when needed to keep or obtain federal funds.

The measure applies to the State and its agencies. It applies to counties, cities and towns. It applies to school districts. It applies to other State subdivisions.

The measure applies only to actions taken after its approval by the people.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES

AGAINST THE PROPOSAL - NO

STATE QUESTION NO. 762

LEGISLATIVE REFERENDUM 360

This measure amends Section 10 of Article 6 of the Oklahoma Constitution. It changes current law, decreasing the power and authority of the Governor by removing the Governor from the parole process for persons convicted of certain offenses defined as nonviolent offenses. It enlarges the power and authority of the Pardon and Parole Board by authorizing that Board, in place of the Governor, to grant parole to persons convicted of certain offenses defined as nonviolent offenses.

The Legislature defines what offenses are nonviolent offenses and the Legislature may change that definition.

The measure authorizes the Pardon and Parole Board to recommend to the Governor, but not to itself grant, parole for persons convicted of certain offenses, specifically those offenses identified by law as crimes for which persons are required to serve not less than eighty-five percent of their sentence prior to being considered for parole and those designated by the Legislature as exceptions to nonviolent offenses. For those offenses for which persons are required to serve a minimum mandatory period of confinement prior to being eligible to be considered for parole, the Pardon and Parole Board may not recommend parole until that period of confinement has been served.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES

AGAINST THE PROPOSAL - NO

STATE QUESTION NO. 764

LEGISLATIVE REFERENDUM 361

This measure amends the Oklahoma Constitution. It adds a new Section 39A to Article 10. It would allow the Oklahoma Water Resources Board to issue bonds. Any bonds issued would be used to provide a reserve fund for the Board. The fund would be a reserve fund for certain water resource and sewage treatment funding programs. The fund could only be used to pay other bonds and obligations for the funding programs. The bonds could only be issued after other monies and sources are used for repayment. The bonds would be general obligation bonds. Not

more than Three Hundred Million Dollars worth of bonds could be issued. The Legislature would provide the monies to pay for the bonds. The Legislature would provide for methods for issuing the bonds. The Legislature would provide for how the fund is administered.

SHALL THE PROPOSAL BE APPROVED?
FOR THE PROPOSAL – YES
AGAINST THE PROPOSAL – NO

STATE QUESTION NO. 765

LEGISLATIVE REFERENDUM 362

The measure amends the Oklahoma Constitution. It abolishes the Oklahoma Department of Human Services, the Oklahoma Commission of Human Services and the position of Director of the Oklahoma Department of Human Services. These entities were created under different names by Sections 2, 3 and 4 of Article 25 of the Oklahoma Constitution and given duties and responsibilities related to the care of the aged and needy. The measure repeals these sections of the Constitution and consequently, removes the power of the Commission of Human Services to establish policy and adopt rules and regulations. Under the measure, the Legislature and the people by initiative petition retain the power to adopt legislation for these purposes.

The measure adds a provision to the Constitution authorizing the Legislature to create a department or departments to administer and carry out laws to provide for the care of the aged and the needy. The measure also authorizes the Legislature to enact laws requiring the newly-created department or departments to perform other duties.

SHALL THE PROPOSAL BE APPROVED?
FOR THE PROPOSAL - YES
AGAINST THE PROPOSAL - NO

STATE QUESTION NO. 766

LEGISLATIVE REFERENDUM 363

This measure amends Section 6A of Article 10 of the Oklahoma Constitution. At present that section exempts some intangible personal property from ad valorem property taxation. This measure would exempt all intangible personal property from ad valorem property taxation.

An ad valorem property tax is a tax imposed upon the value of property.

Intangible Personal Property is property whose value is not derived from its physical attributes, but rather from what it represents or evidences.

Intangible Personal Property which is still currently taxed but would not be taxed if the measure is adopted, includes items such as:

- patents, inventions, formulas, designs, and trade secrets;

- licenses, franchise, and contracts;
- land leases, mineral interests, and insurance policies;
- custom computer software; and
- trademarks, trade names and brand names.

If adopted, the measure would apply to property taxation starting with the tax year that begins on January 1, 2013.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES

AGAINST THE PROPOSAL - NO



Oklahoma State Election Board

ROOM B-6 • BOX 53156 • STATE CAPITOL • OKLAHOMA CITY, OKLAHOMA 73152 • (405) 521-2391

November 15, 2012

FILED

NOV 16 2012

**OKLAHOMA SECRETARY
OF STATE**

The Honorable Glenn Coffee
Secretary of State
Room 101, State Capitol
Oklahoma City, Oklahoma 73105

Dear Mr. Coffee:

Enclosed please find a copy of the official returns of the vote at the General Election on November 6, 2012, on the following measures, as certified to the Governor of the State of Oklahoma.

State Question No. 758, Legislative Referendum No. 358

State Question No. 759, Legislative Referendum No. 359

State Question No. 762, Legislative Referendum No. 360

State Question No. 764, Legislative Referendum No. 361

State Question No. 765, Legislative Referendum No. 362

State Question No. 766, Legislative Referendum No. 363

Sincerely,

A handwritten signature in black ink that reads "Paul Zirias".

PAUL ZIRIAX, Secretary
State Election Board

PZ/mf

Receipt of the above hereby is acknowledged on this 16th day of November, 2012.

By: A handwritten signature in black ink that reads "Lynn Mills".

Time: 10:15 a.m.

045798



Oklahoma State Election Board

ROOM B-6 • BOX 53156 • STATE CAPITOL • OKLAHOMA CITY, OKLAHOMA 73152 • (405) 521-2391

November 15, 2012

RECEIVED

NOV 16 2012

OFFICE OF THE
GOVERNOR

The Honorable Mary Fallin
Governor of the State of Oklahoma
Room 212, State Capitol
Oklahoma City, Oklahoma 73105

Dear Governor Fallin:

Pursuant to the provisions of 26 O.S. 2011, §12-118, the State Election Board herewith certifies the results of the vote at the General Election on November 6, 2012, on the following measures.

STATE QUESTION NO. 758
LEGISLATIVE REFERENDUM NO. 358

YES: 858,081
NO: 409,041

STATE QUESTION NO. 759
LEGISLATIVE REFERENDUM NO. 359

YES: 745,854
NO: 514,163

STATE QUESTION NO. 762
LEGISLATIVE REFERENDUM NO. 360

YES: 745,133
NO: 514,080

Governor Fallin
November 15, 2012
Page 2

STATE QUESTION NO. 764
LEGISLATIVE REFERENDUM NO. 361

YES: 706,322
NO: 539,492

STATE QUESTION NO. 765
LEGISLATIVE REFERENDUM NO. 362

YES: 751,909
NO: 502,949

STATE QUESTION NO. 766
LEGISLATIVE REFERENDUM NO. 363

YES: 826,102
NO: 445,500

Sincerely,



PAUL ZIRIAS, Secretary
State Election Board

PZ/mf

Receipt of the above hereby is acknowledged on this 16th day of November, 2012.

By: Audrey Rockwell

Time: 10:00AM