ENROLLED SENATE JOINT RESOLUTION 33

ENACTED BY THE SECOND REGULAR SESSION OF THE

54TH LEGISLATURE OF THE STATE OF OKLAHOMA

NUMBERED BY THE SECRETARY OF STATE

STATE QUESTION NUMBER 769

LEGISLATIVE REFERENDUM NUMBER 364

RECEIVED: APRIL 28, 2014

Resolution

ENROLLED SENATE
JOINT
RESOLUTION NO. 33

By: Fields and Sykes of the Senate

and

Enns and Bennett 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 Section 12 of Article II of the Oklahoma Constitution; providing that certain provision not be construed to prohibit certain military service; allowing Legislature to enact implementing laws; providing ballot title; and directing filing.

SUBJECT: Dual office holding

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 1ST SESSION OF THE 54TH 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 12 of Article II of the Oklahoma Constitution to read as follows:

Section 12. No member of Congress from this State, or person holding any office of trust or profit under the laws of any other State, or of the United States, shall hold any office of trust or profit under the laws of this State; provided, neither the provisions of this section nor any other provision of this Constitution or state law shall be construed to prohibit the

following officeholders from holding at the same time any other office of trust or profit:

1. Officers and enlisted members of the National Guard;

2. Officers and enlisted members of the National Guard Reserve;

3. Officers of the Officers Reserve Corps of the United States;

4. Enlisted members of the Organized Reserves of the United States; and

5. Officers and enlisted members of the Oklahoma State Guard and any other active militia or military force organized under state law.

The Legislature shall have the power to enact laws to further implement the provisions of this section.

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 Section 12 of Article 2 of the state Constitution. This section prohibits the holding of more than one office at the same time. It applies to certain offices. This measure would not allow the law to be construed to keep some people from holding two offices at the same time. It would apply to officers and enlisted members of the National Guard, and the National Guard Reserve. It would also apply to the Oklahoma State Guard and any other active militia or military force organized under state law. It would also apply to officers of the Officers Reserve Corps of the United States and enlisted members of the Organized Reserves of the United States. The Legislature could pass laws to put these changes in place.

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 12th day of March, 2013.

Eddie Fields
Presiding Officer of the Senate

Passed the House of Representatives the 24th day of April, 2014.

Don Acme
Presiding Officer of the House
of Representatives

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 28th day of April, 20 14, at 4:54 o'clock P. M.

By: Chris Benge

Chris Benge
Secretary of State

Mary Fallin
Governor

OKLAHOMA SECRETARY OF STATE

May 5, 2014

hand delivered

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

Re: State Question 769, Legislative Referendum 364
Proposed Constitutional Amendment Dual Office Holding

Dear Attorney General Pruitt:

You are hereby notified that Enrolled Senate Joint Resolution 33 was received in the Office of the Secretary of State on April 28, 2014. This resolution has been designated as **State Question Number 769, Legislative Referendum Number 364.**

Pursuant to 34 O.S. §9(C), 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,

Chris Benge
Secretary of State

Enclosure: State Question Number 769, Legislative Referendum Number 364

RECEIVED
RECEPTIONIST
MAY 05 2014
ATTORNEY GENERAL

RECEIVED

MAY 5 - 2014

OFFICE OF THE GOVERNOR

Chris Benge
Secretary of State

Mary Fallin
Governor

OKLAHOMA SECRETARY OF STATE

May 5, 2014

hand delivered

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

Re: State Question 769, Legislative Referendum 364
Proposed Constitutional Amendment Dual Office Holding

Dear Governor Fallin:

You are hereby notified that Enrolled Senate Joint Resolution 33 was received in the Office of the Secretary of State on April 28, 2014. This resolution has been designated as **State Question Number 769, Legislative Referendum Number 364.**

This office has submitted the proposed ballot title to the Attorney General for review as required by 34 O.S. §9(C). 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,

Chris Benge
Secretary of State

Enclosure: State Question Number 769, Legislative Referendum Number 364

2300 N. Lincoln Blvd., Suite 101 • Oklahoma City, OK 73105-4897 • (405) 521-3912 • Fax (405) 521-3771

Chris Benge
Secretary of State

Mary Fallin
Governor

OKLAHOMA SECRETARY OF STATE

May 5, 2014

hand delivered

RECEIVED
MAY 05 2014
STATE ELECTION BOARD

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

Re: State Question 769, Legislative Referendum 364
Proposed Constitutional Amendment Dual Office Holding

Dear Secretary Ziriax:

You are hereby notified that Enrolled Senate Joint Resolution 33 was received in the Office of the Secretary of State on April 28, 2014. This resolution has been designated as **State Question Number 769, Legislative Referendum Number 364.**

This office has submitted the proposed ballot title to the Attorney General for review as required by 34 O.S. §9(C). The official ballot title will be submitted to you upon completion of the review.

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

Sincerely,

Chris Benge
Secretary of State

Enclosure: State Question Number 769, Legislative Referendum Number 364

2300 N. Lincoln Blvd., Suite 101 • Oklahoma City, OK 73105-4897 • (405) 521-3912 • Fax (405) 521-3771

Chris Benge
Secretary of State

Mary Fallin
Governor

OKLAHOMA SECRETARY OF STATE

May 6, 2014

The Honorable Scott Pruitt
Attorney General
313 NE 21st
Oklahoma City, OK 73105

Dear Mr. Attorney General:

On April 28, 2014, this office received a Joint Resolution which was processed as a normal resolution rather than a Legislative Referendum State Question.

Yesterday, May 5, 2014, when I was processing legislation and updating our records, I noticed that Senate Joint Resolution 33 had not been processed. Immediately, I pulled the file and started working on the appropriate documents for the state question. I was able to get the notification letters signed and hand delivered to the Governor, Election Board as well as the Attorney General. I received a phone call from Sandy Rhinehart with the AG's office questioning the delay in the AG's office receiving the ballot title for review. She stressed to me that if it was an initiative petition, the 5th day for review would have been May 5. I apologized and explained the situation. She later called and told me the AG's office requested an accounting of the chain of events for their records as they transpired.

Please accept my personal apology for any inconvenience this may have caused, and feel free to call me if you should have any questions.

Sincerely,

Kathy Smith
Executive Legislative Division
Oklahoma Secretary of State
405-522-4565

cc: Chris Benge, Secretary of State
Chris Morriss, Assistant Secretary of State
Gerry Smedley, Division Supervisor

OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

FILED
MAY 12 2014
OKLAHOMA SECRETARY OF STATE

May 12, 2014

Senator Brian Bingman
President Pro Tempore
Oklahoma Senate
2300 N. Lincoln Blvd., Room 422
Oklahoma City, Oklahoma 73105-4897

Representative Jeff Hickman
Speaker of the House of Representatives
2300 N. Lincoln Blvd., Room 401
Oklahoma City, Oklahoma 73105-4897

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

Senator Eddie Fields
2300 N. Lincoln, Room 416
Oklahoma City, Oklahoma 73105-4897

Representative John Enns
2300 N. Lincoln, Room 434
Oklahoma City, Oklahoma 73105-4897

Re: Ballot Title for State Question No. 769, Legislative Referendum No. 364

Dear Sirs:

In accordance with the provisions of 34 O.S.2011, § 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 reason:

It fails to explain in basic words the effect of the proposition because:

1. It does not explain that the provisions apply to offices of trust or profit;

313 N.E. 21ST STREET • OKLAHOMA CITY, OK 73105 • (405) 521-3921 • FAX: (405) 521-6246

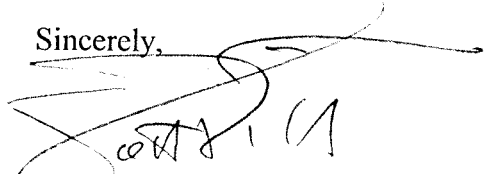
recycled paper

2. It does not explain—by example or otherwise—what an office of trust or profit is; and

3. It does not clearly explain that the measure creates an exception which allows officers of trust or profit to also hold an office or enlisted position in one of the listed military organizations.

Having found that the ballot title does not comply with applicable laws, we will, in accordance with the provisions of 34 O.S.2011, § 9(C), within ten (10) business days, prepare a Preliminary Ballot Title which complies with the law and furnish a copy to each of you.

Sincerely,



E. Scott Pruitt
Attorney General

ESP/ab

OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

May 29, 2014

FILED
MAY 29 2014
OKLAHOMA SECRETARY
OF STATE

Senator Brian Bingman
President Pro Tempore
Oklahoma Senate
2300 N. Lincoln Blvd., Room 422
Oklahoma City, Oklahoma 73105-4897

Representative Jeff Hickman
Speaker of the House of Representatives
2300 N. Lincoln Blvd., Room 401
Oklahoma City, Oklahoma 73105-4897

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

Senator Eddie Fields
2300 N. Lincoln, Room 416
Oklahoma City, Oklahoma 73105-4897

Representative John Enns
2300 N. Lincoln, Room 434
Oklahoma City, Oklahoma 73105-4897

Re: Final Ballot Title for State Question No. 769, Legislative Referendum No. 364

Dear Sirs:

Having found that the Proposed Ballot Title for the above-referenced state question did not comply with applicable laws, we have, in accordance with 34 O.S. 2011, § 9(C), have 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, nor the ability of Federal law to preempt the changes in the law. The Final Ballot Title reads as follows:

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BALLOT TITLE FOR STATE QUESTION NO. 769

This measure amends Article 2, Section 12 of the Oklahoma Constitution. That Section currently imposes limits on an individual simultaneously holding certain government offices. The amendment would permit those serving in state offices of trust or profit to also hold certain military positions. Holders of an Oklahoma office of trust or profit who currently can not simultaneously hold certain military positions, include:

- Legislators;
- State Judges;
- District Attorneys;
- Statewide elected officials, such as the Governor, Lieutenant Governor, Attorney General and Treasurer;
- Members of State Boards, Agencies and Commissions, and
- Many County Officers.

The measure creates a state constitutional right permitting holders of Oklahoma offices of trust or profit to also serve and be called to active duty or active service in the following military positions:

1. An Officer or Enlisted Member of

   - The National Guard,
   - The National Guard Reserve,
   - The Oklahoma State Guard, or
   - Any other active militia or military force organized under State law;

2. An Officer of the Officers Reserve Corps of the United States; or

3. An Enlisted Member of the Organized Reserves of the United States.

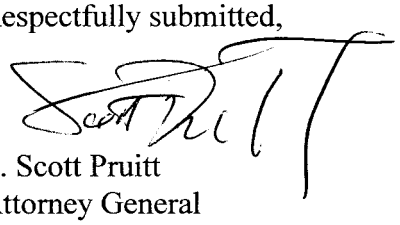
The measure empowers the Legislature to enact laws to implement the amended Section.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES _____

AGAINST THE PROPOSAL - NO _____

Respectfully submitted,



E. Scott Pruitt
Attorney General

ESP/ab

Chris Benge
Secretary of State

Mary Fallin
Governor

OKLAHOMA SECRETARY OF STATE

RECEIVED
JUN 03 2014
STATE ELECTION
BOARD

June 2, 2014

The Honorable Paul Ziriax
Secretary, State Election Board
State Capitol, Room B-6
Oklahoma City, Oklahoma 73105

Re: **State Question No. 769, Legislative Referendum 364**
Proposed Constitutional Amendment Dual Office Holding

Dear Secretary Ziriax:

In accordance with the provisions of 34 O.S. § 9(C)(2), I herewith transmit State Question 769, Legislative Referendum 364 and attest that the enclosed copy of Senate Joint Resolution 33 is a true and accurate copy of the measure filed with this office. Also enclosed is the Final Ballot Title prepared by the Attorney General.

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

Sincerely,

Chris Benge
Secretary of State

Enclosures: State Question 769, Legislative Referendum 364
Attorney General's Final Ballot Title

2300 N. Lincoln Blvd., Suite 101 • Oklahoma City, OK 73105-4897 • (405) 521-3912 • Fax (405) 521-3771

Chris Benge
Secretary of State

Mary Fallin
Governor

OKLAHOMA SECRETARY OF STATE

RECEIVED
JUN 2 - 2014
OFFICE OF THE GOVERNOR

June 2, 2014

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

Re: State Question 769, Legislative Referendum 364
Proposed Constitutional Amendment Dual Office Holding

Dear Governor Fallin:

Pursuant to 34 O.S. § 9(C)(2), the Secretary of State has transmitted to the Secretary of the State Election Board an attested copy of the above referenced measure. A copy of the transmittal letter and the Attorney General's Final Ballot Title are enclosed.

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

Sincerely,

Chris Benge
Secretary of State

Enclosures: Transmittal letter to Secretary of the State Election Board
Attorney General's Final Ballot Title

Mary Fallin
Governor

FILED
JUN 19 2014
OKLAHOMA SECRETARY OF STATE

EXECUTIVE DEPARTMENT
EXECUTIVE PROCLAMATION

I, Mary Fallin, 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, Section 12 of Title 34 of the Oklahoma Statutes, and the referral by the Secretary of State, do hereby declare that Legislative Referendum Number 364, State Question 769, 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 4, 2014.

The substance of the measure is as follows:

This measure amends Article 2, Section 12 of the Oklahoma Constitution. That Section currently imposes limits on an individual simultaneously holding certain government offices. The amendment would permit those serving in state offices of trust or profit to also hold certain military positions. Holders of an Oklahoma office of trust or profit who currently cannot simultaneously hold certain military positions, include:

- Legislators;
- State Judges;
- District Attorneys;
- Statewide elected officials, such as the Governor, Lieutenant Governor, Attorney General and Treasurer;
- Members of State Boards, Agencies and Commissions, and
- Many County Officers.

The measure creates a state constitutional right permitting holders of Oklahoma offices of trust or profit to also serve and be called to active duty or active service in the following military positions:

1. An Officer or Enlisted Member of
   - The National Guard,

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STATE CAPITOL BUILDING • 2300 N. LINCOLN BOULEVARD, SUITE 212 • OKLAHOMA CITY, OKLAHOMA 73105 • (405) 521-2342 • FAX: (405) 521-3353

- The National Guard Reserve,
- The Oklahoma State Guard, or
- Any other active militia or military force organized under State law;

2. An Officer of the Officers Reserve Corps of the United States; or
3. An Enlisted Member of the Organized Reserves of the United States.

The measure empowers the Legislature to enact laws to implement the amended Section.

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 19th day of June, 2014.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

MARY FALLIN

ATTEST:

SECRETARY OF STATE

Chris Benge
Secretary of State

Mary Fallin
Governor

OKLAHOMA SECRETARY OF STATE

July 17, 2014

RECEIVED
JUL 17 2014
STATE ELECTION BOARD

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

Re: State Question 769, Legislative Referendum 364
Proposed Constitutional Amendment Ad Valorem Taxes

Dear Secretary Ziriax:

Please find enclosed a true and accurate copy of the **Executive Proclamation (S.O.S. Document No. 47014)** regarding the election date for State Question No. 769, Legislative Referendum No. 364.

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

Sincerely,

Chris Benge
Secretary of State

Enclosure: **Copy - Executive Proclamation filed 06/19/2014 (S.O.S. Document No. 47014)**

Chris Benge
Secretary of State

Mary Fallin
Governor

OKLAHOMA SECRETARY OF STATE

October 1, 2014

Cindy Shea
Oklahoma Press Association
3601 N. Lincoln Blvd
Oklahoma City, Ok 73105-5499

Dear Ms. Shea:

Please find enclosed the Notice of Proposed Measures which will appear to the qualified electors of the State of Oklahoma for their approval or rejection at the general election to be held November 4, 2014.

Pursuant to Okla. Const. article 5 & 24, Title 34 O.S., §17, this letter serves as your authority to place the enclosed legal notice to be published, no later than Sunday, October 26, 2014, once in *The Oklahoman*, *Tulsa World*, and *The Journal Record* and also to be published once in a newspaper of general circulation in each county of Oklahoma, if there be such.

Please provide the Proof of Publication Affidavits as soon as possible and if there are any questions, please do not hesitate to contact our office.

Sincerely,

Chris Benge
Secretary of State

Enc: Notice of Proposed Measures (General Election – November 4, 2014)

2300 N. Lincoln Blvd., Suite 101 • Oklahoma City, OK 73105-4897 • (405) 521-3912 • Fax (405) 521-3771

NOTICE OF PROPOSED MEASURES
APPEARING ON THE BALLOT FOR THE NOVEMBER 4, 2014 GENERAL ELECTION

In accordance with Okla. Const. article 5 & 24, Title 34 Oklahoma Statutes, Section 17, notice is hereby given for the proposed measures which will appear on the ballot at the general election to be held November 4, 2014.

Chris Benge
Secretary of State

BALLOT TITLES – November 4, 2014 General Election

STATE QUESTION No. 769, LEGISLATIVE REFERENDUM No. 364

This measure amends Article 2, Section 12 of the Oklahoma Constitution. That Section currently imposes limits on an individual simultaneously holding certain government offices. The amendment would permit those serving in state offices of trust or profit to also hold certain military positions. Holders of an Oklahoma office of trust or profit who currently cannot simultaneously hold certain positions, include:

- Legislators;
- State Judges;
- District Attorneys;
- Statewide elected officials, such as the Governor, Lieutenant Governor, Attorney General and Treasurer;
- Members of State Boards, Agencies and Commissions, and
- Many County Officers.

The measure creates a state of constitutional right permitting holders of Oklahoma offices of trust or profit to also serve and be called to active duty or active service in the following military positions:

1. An Officer or Enlisted Member of
    - The National Guard,
    - The National Guard Reserve,
    - The Oklahoma State Guard, or
    - Any other active militia or military force organized under State law;
2. An Officer to the Officers Reserve Corps of the United States; or
3. An Enlisted Member of the Organized Reserves of the United States.

The measure empowers the Legislature to enact laws to implement the amended Section.

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

STATE QUESTION No. 770, LEGISLATIVE REFERENDUM No. 365

This measure amends the Oklahoma Constitution. It amends Section 8E of Article 10. This section provides a homestead exemption to certain qualifying disabled veterans. It also provides a homestead exemption to the surviving spouse of qualifying disabled veterans. This measure would allow either the veteran or his or her surviving spouse to sell the homestead but acquire another homestead property in the same calendar year. The exemption would apply to the newly acquired homestead property to the same extent as the original exemption for the homestead property that was sold.

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

STATE QUESTION No. 771, LEGISLATIVE REFERENDUM No. 366

This measure amends the Oklahoma Constitution. It would add a new Section 8F to Article 10. It would create a homestead exemption for the surviving spouse of military personnel who die in the line of duty. The United States Department of Defense or the applicable branch of the United States military would make the determination regarding whether the person engaged in military service died while in the line of duty. It would provide the surviving spouse of such person with a one hundred percent (100%) exemption for the fair cash value of the homestead until the surviving spouse remarried. This measure would allow the surviving spouse to sell the homestead, but acquire another homestead property in the same calendar year. The exemption would apply to the newly acquired homestead property to the same extent as the original exemption for the homestead property that was sold. The exemption would apply beginning in calendar year 2015. The exemption would also apply for the 2014 calendar year if the surviving spouse meets applicable requirements.

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 12, 2014

FILED
NOV 12 2014
OKLAHOMA SECRETARY OF STATE

The Honorable Chris Benge
Secretary of State
Room 101, State Capitol
Oklahoma City, Oklahoma 73105

Dear Mr. Benge:

Enclosed please find a copy of the official returns of the vote at the General Election on November 4, 2014, on the following measures, as certified to the Governor of the State of Oklahoma.

State Question No. 769, Legislative Referendum No. 364

State Question No. 770, Legislative Referendum No. 365

State Question No. 771, Legislative Referendum No. 366

Sincerely,

Paul Ziriax

PAUL ZIRIAX, Secretary
State Election Board

Receipt of the above hereby is acknowledged on this 12th day of November, 2014.

By: Chris Benge

Time: 6:16 PM

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State Question No. 769
Legislative Referendum No. 364

YES: 540,988
NO: 237,966

State Question No. 770
Legislative Referendum No. 365

YES: 710,134
NO: 75,522

State Question No. 771
Legislative Referendum No. 366

YES: 711,424
NO: 74,697