

ENROLLED SENATE JOINT RESOLUTION 31
ENACTED BY THE 1ST REGULAR SESSION OF THE
55TH LEGISLATURE OF THE STATE OF OKLAHOMA
NUMBERED BY THE SECRETARY OF STATE

STATE QUESTION NUMBER 776
LEGISLATIVE REFERENDUM NUMBER 367

RECEIVED: 04/13/2015

Resolution

ENROLLED SENATE
JOINT
RESOLUTION NO. 31

By: Sykes of the Senate

and

Christian, Ritze, Jordon,
Johnson, and Moore 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 9A to Article II; establishing full force and effect of certain statutes; providing for validity of changes in methods of execution; providing ballot title; and directing filing.

SUBJECT: Death penalty

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 1ST SESSION OF THE 55TH 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 9A to Article II to read as follows:

Section 9A. All statutes of this state requiring, authorizing, imposing or relating to the death penalty are in full force and effect, subject to legislative amendment or repeal by statute, initiative or referendum. Any method of execution shall be allowed, unless prohibited by the United States Constitution. Methods of execution may be designated by the Legislature. A sentence of death shall not be reduced on the basis that a method of execution is invalid. In any case in which an execution method is declared invalid, the death sentence shall remain in force until the sentence

can be lawfully executed by any valid method. The death penalty provided for under such statutes shall not be deemed to be, or to constitute, the infliction of cruel or unusual punishments, nor shall such punishment be deemed to contravene any other provision of this Constitution.

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 adds a new section to the Oklahoma Constitution. It adds Section 9A of Article 2. It states that all death penalty statutes are in effect. It states that methods of execution can be changed. It states that the death penalty is not cruel and unusual punishment.

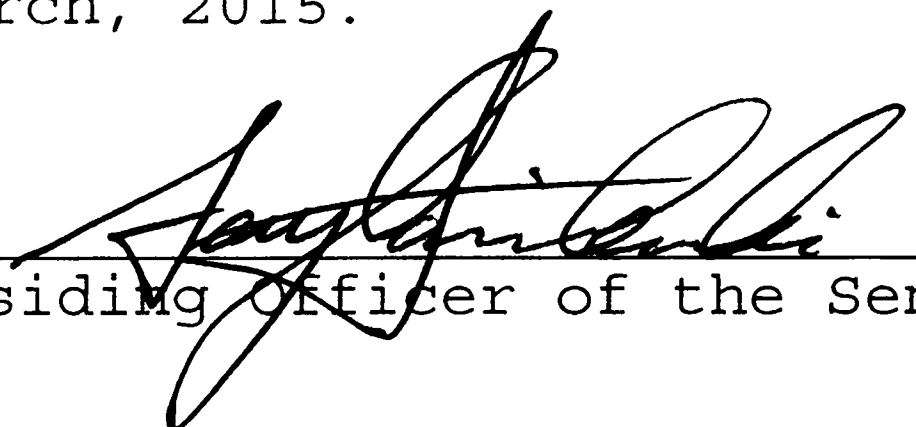
SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL — YES _____

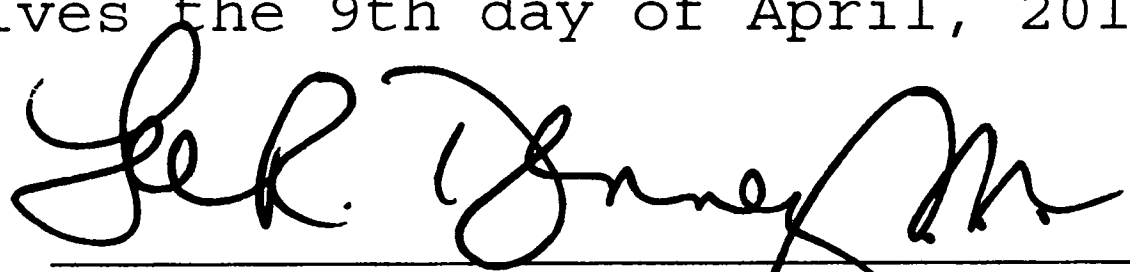
AGAINST THE PROPOSAL — NO _____

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.

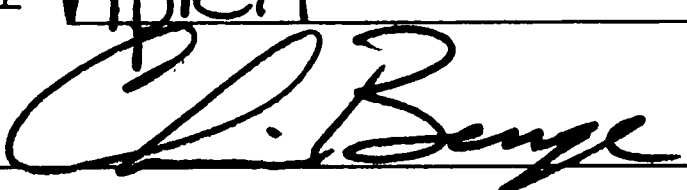
Passed the Senate the 9th day of March, 2015.


Presiding Officer of the Senate

Passed the House of Representatives the 9th day of April, 2015.


Presiding Officer of the House
of Representatives

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 13th
day of April, 20 15, at 3:38 o'clock P. M.
By: 

Chris Bengé
Secretary of State



Mary Fallin
Governor

OKLAHOMA SECRETARY OF STATE

April 14, 2015

hand delivered

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

RECEIVED
RECEPTIONIST

APR 14 2015

ATTORNEY GENERAL

Re: State Question 776, Legislative Referendum 367
Subject: Death Penalty

Dear Attorney General Pruitt:

You are hereby notified that Enrolled Senate Joint Resolution 31 was received in the Office of the Secretary of State on April 13, 2015. This resolution has been designated as **State Question Number 776, Legislative Referendum Number 367.**

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 any further assistance, please let us know.

Sincerely,

A handwritten signature in cursive script that reads "Chris Morriss".

Chris Morriss
Assistant Secretary of State

Enclosure: State Question Number 776, Legislative Referendum Number 367

Chris Benge
Secretary of State



Mary Fallin
Governor

OKLAHOMA SECRETARY OF STATE

April 14, 2015

hand delivered

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

RECEIVED

APR 14 2015

OFFICE OF THE
GOVERNOR

Re: State Question 776, Legislative Referendum 367
Subject: Death Penalty

Dear Governor Fallin:

You are hereby notified that Enrolled Senate Joint Resolution 31 was received in the Office of the Secretary of State on April 13, 2015. This resolution has been designated as **State Question Number 776, Legislative Referendum Number 367.**

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 any further assistance, please let us know.

Sincerely,

A handwritten signature in cursive script that reads "Chris Morriss".

Chris Morriss
Assistant Secretary of State

Enclosure: State Question Number 776, Legislative Referendum Number 367

Chris Benge
Secretary of State



Mary Fallin
Governor

OKLAHOMA SECRETARY OF STATE

April 14, 2015

hand delivered

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

RECEIVED

APR 14 2015

STATE ELECTION
BOARD

Re: State Question 776, Legislative Referendum 367
Subject: Death Penalty

Dear Secretary Ziriak:

You are hereby notified that Enrolled Senate Joint Resolution 31 was received in the Office of the Secretary of State on April 13, 2015. This resolution has been designated as **State Question Number 776, Legislative Referendum Number 367.**

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 any further assistance, please let us know.

Sincerely,

A handwritten signature in cursive script that reads "Chris Morriss".

Chris Morriss
Assistant Secretary of State

Enclosure: State Question Number 776, Legislative Referendum Number 367



FILED

APR 21 2015

OKLAHOMA SECRETARY
OF STATE

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA

April 21, 2015

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

Representative Jeffrey 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 Anthony Sykes
2300 N. Lincoln, Room 426
Oklahoma City, Oklahoma 73105-4897

Representative Mike Christian
2300 N. Lincoln, Room 303
Oklahoma City, Oklahoma 73105-4897

Re: Ballot Title for State Question No. 776, Legislative Referendum No. 367

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 reasons:

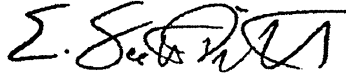
1. The statutorily required function of a ballot's title is to explain **the effect** of the proposition. Here, the Proposed Ballot Title fails to fully explain the effect of the proposition. Instead, it state that it adds a new section to the Oklahoma Constitution, Section 9A of Article 2, and simply reports what the proposition states, and



2. The final sentence of the Proposed Ballot Title incorrectly reports that “[i]t states that the death penalty is not cruel and unusual punishment.” No such general statement appears in the proposition.

Having found that the ballot title does not comply with applicable laws, I have, in accordance with the provisions of 34 O.S.2011, § 9(C), prepared the enclosed Preliminary Ballot Title which complies with the law.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", with a stylized flourish at the end.

E. Scott Pruitt
Attorney General

ESP/ab

Preliminary Ballot Title for SQ 776

This measure adds a new section to the Oklahoma Constitution, Section 9A of Article 2. The new Section deals with the death penalty. The Section establishes State constitutional mandates relating to the death penalty and methods of execution. Under these constitutional requirements:

- The Legislature is expressly empowered to designate any method of execution not prohibited by the United States Constitution.
- Death sentences shall not be reduced because a method of execution is ruled to be invalid.
- When an execution method is declared invalid, the death penalty imposed shall remain in force until it can be carried out using any valid execution method, and
- The imposition of a death penalty under Oklahoma law—as distinguished from a method of execution—shall not be deemed to be or constitute the infliction of cruel or unusual punishment under Oklahoma’s Constitution, nor to contravene any provision of the Oklahoma Constitution.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL – YES _____

AGAINST THE PROPOSAL – NO _____



E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA

May 7, 2015

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

FILED

MAY 07 2015

**OKLAHOMA SECRETARY
OF STATE**

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

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

Senator Anthony Sykes
2300 N. Lincoln, Room 426
Oklahoma City, Oklahoma 73105-4897

Representative Mike Christian
2300 N. Lincoln, Room 303
Oklahoma City, Oklahoma 73105-4897

Re: Final Ballot Title for State Question No. 776, Legislative Referendum No. 367

Dear Sirs:

Having found that the Proposed Ballot Title for the above-referenced state question did not comply with applicable laws and having prepared and filed a Preliminary Ballot Title more than ten business days ago, in accordance with 34 O.S. 2011, § 9(C), we have prepared the following Final Ballot Title for the above-referenced State Question. 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:

BALLOT TITLE FOR STATE QUESTION NO. 776

This measure adds a new section to the Oklahoma Constitution, Section 9A of Article 2. The new Section deals with the death penalty. The Section establishes State constitutional mandates relating to the death penalty and methods of execution. Under these constitutional requirements:

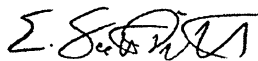
- The Legislature is expressly empowered to designate any method of execution not prohibited by the United States Constitution.
- Death sentences shall not be reduced because a method of execution is ruled to be invalid.
- When an execution method is declared invalid, the death penalty imposed shall remain in force until it can be carried out using any valid execution method, and
- The imposition of a death penalty under Oklahoma law—as distinguished from a method of execution—shall not be deemed to be or constitute the infliction of cruel or unusual punishment under Oklahoma’s Constitution, nor to contravene any provision of the Oklahoma Constitution.

SHALL THE PROPOSAL BE APPROVED?

FOR THE PROPOSAL - YES

AGAINST THE PROPOSAL - NO

Respectfully submitted,



E. Scott Pruitt
Attorney General

ESP/ab

Chris Bengé
Secretary of State



Mary Fallin
Governor

OKLAHOMA SECRETARY OF STATE

May 8, 2015

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

Re: State Question 776, Legislative Referendum 367
Subject: Death Penalty

Dear Secretary Ziriaux:

In accordance with the provisions of 34 O.S. § 9(C)(2), I herewith transmit State Question 776, Legislative Referendum 367 and attest that the enclosed copy of Senate Joint Resolution 31 is a true and accurate copy of the measure filed with this office. Also enclosed is the Final Ballot Title as prepared by the Attorney General.

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

Sincerely,

A handwritten signature in cursive script, reading "Chris Bengé".

Chris Bengé
Secretary of State

Enclosures: State Question 776, Legislative Referendum 367
Attorney General's Final Ballot Title

RECEIVED

MAY 08 2015

STATE ELECTION
BOARD

Chris Bengé
Secretary of State



Mary Fallin
Governor

OKLAHOMA SECRETARY OF STATE

May 8, 2015

RECEIVED

MAY 08 2015

OFFICE OF THE
GOVERNOR

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

Re: State Question 776, Legislative Referendum 367
Subject: Death Penalty

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 Bengé
Secretary of State

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



Mary Fallin
Governor

FILED

JUN 29 2015

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 367, State Question 776, 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 8, 2016.

The substance of the measure is as follows:

This measure adds a new section to the Oklahoma Constitution, Section 9A of Article 2. The new Section deals with the death penalty. The Section establishes State constitutional mandates relating to the death penalty and methods of execution. Under these constitutional requirements:

- The Legislature is expressly empowered to designate any method of execution not prohibited by the United States Constitution.
- Death sentences shall not be reduced because a method of execution is ruled to be invalid.
- When an execution method is declared invalid, the death penalty shall remain in force until it can be carried out using any valid execution method, and
- The imposition of a death penalty under Oklahoma law—as distinguished from a method of execution—shall not be deemed to be or constitute the infliction of cruel or unusual punishment under Oklahoma's Constitution, nor to contravene any provision of the Oklahoma Constitution.

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.

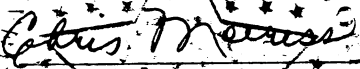
IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma this 29th day of June, 2015.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA



MARY FALLIN

ATTEST:



Assistant SECRETARY OF STATE



Oklahoma State Election Board

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

November 17, 2016

FILED

NOV 18 2016

OKLAHOMA SECRETARY
OF STATE

The Honorable Mike Hunter
Secretary of State
Room 101, State Capitol
Oklahoma City, Oklahoma 73105

Dear Secretary Hunter:

Enclosed please find a copy of the official returns of the vote at the General Election on November 8, 2016, on the following measures, as certified to the Governor of the State of Oklahoma.

State Question No. 776, Legislative Referendum No. 367

State Question No. 777, Legislative Referendum No. 368

State Question No. 779, Initiative Petition No. 403

State Question No. 780, Initiative Petition No. 404

State Question No. 781, Initiative Petition No. 405

State Question No. 790, Legislative Referendum No. 369

State Question No. 792, Legislative Referendum No. 370

Sincerely,

PAUL ZIRIAS, Secretary
State Election Board

PZ/ps

Receipt of the above hereby is acknowledged on this 18th day of November, 2016.

By: [Signature]

Time: 2:00 pm

048343

STATE QUESTION No. 776
LEGISLATIVE REFERENDUM No. 367

YES: 942,504
NO: 477,717

STATE QUESTION No. 777
LEGISLATIVE REFERENDUM No. 368

YES: 569,668
NO: 864,827

STATE QUESTION No. 779
INITIATIVE PETITION No. 403

YES: 583,429
NO: 853,573

STATE QUESTION No. 780
INITIATIVE PETITION No. 404

YES: 831,123
NO: 596,070

STATE QUESTION No. 781
INITIATIVE PETITION No. 405

YES: 795,475
NO: 619,580

STATE QUESTION No. 790
LEGISLATIVE REFERENDUM No. 369

YES: 607,482
NO: 809,254

Secretary Hunter
November 17, 2016
Page 3

STATE QUESTION NO. 792
LEGISLATIVE REFERENDUM NO. 370

YES: 939,848
NO: 492,422