ENROLLED SENATE JOINT RESOLUTION 72
ENACTED BY THE 2ND REGULAR SESSION OF THE
55TH LEGISLATURE OF THE STATE OF OKLAHOMA
NUMBERED BY THE SECRETARY OF STATE

STATE QUESTION NUMBER 790
LEGISLATIVE REFERENDUM NUMBER 369

RECEIVED: 04/26/2016
Resolution

ENROLLED SENATE JOINT RESOLUTION NO. 72

By: Standridge and Brecheen of the Senate

and

Jordan of the House

A Joint Resolution directing the Secretary of State to refer to the people for their approval or rejection the repeal of Section 5 of Article II of the Oklahoma Constitution; providing ballot title; and directing filing.

SUBJECT: Constitutional prohibition against public expenditure and property use for religious purposes

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE 2ND 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 repeal of Section 5 of Article II of the Oklahoma Constitution which relates to use of public monies or property for sectarian or religious purposes.

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. 369 State Question No. 790

THE GIST OF THE PROPOSITION IS AS FOLLOWS:
This measure repeals Section 5 of Article 2 of the Oklahoma Constitution. This section prohibits the use of public monies or property for sectarian or religious purposes.

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 7th day of March, 2016.

[Signature]
Presiding Officer of the Senate

Passed the House of Representatives the 21st day of April, 2016.

[Signature]
Presiding Officer of the House of Representatives

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 26th day of April, 2016, at 10:51 o'clock A.M.

By: [Signature]
April 27, 2016

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

Re: State Question 790, Legislative Referendum 369
Subject: Constitutional prohibition against public expenditure and property use for religious purposes.

Dear Attorney General Pruitt:

You are hereby notified that Enrolled Senate Joint Resolution 72 was received in the Office of the Secretary of State on April 26, 2016. This resolution has been designated as State Question Number 790, Legislative Referendum Number 369.

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,

Tod Wall
Assistant Secretary of State and
Native American Affairs

Enclosure: State Question Number 790, Legislative Referendum Number 369
April 27, 2016

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

Re: State Question 790, Legislative Referendum 369
Subject: Constitutional prohibition against public expenditure and property use for religious purposes.

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 790, Legislative Referendum 369.

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,

\[Signature\]

Tod Wall
Assistant Secretary of State and
Native American Affairs

Enclosure: State Question Number 790, Legislative Referendum Number 369
April 27, 2016

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

Re: State Question 790, Legislative Referendum 369
Subject: Constitutional prohibition against public expenditure and property use for religious purposes.

Dear Secretary Ziriax:

You are hereby notified that Enrolled Senate Joint Resolution 72 was received in the Office of the Secretary of State on April 26, 2016. This resolution has been designated as State Question 790, Legislative Referendum 369.

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,

Tod Wall
Assistant Secretary of State and
Native American Affairs

Enclosure: State Question Number 790, Legislative Referendum Number 369
May 4, 2016

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 Rob Standridge
2300 N. Lincoln Blvd., Room 417A
Oklahoma City, Oklahoma 73105-4897

Senator Josh Brecheen
2300 N. Lincoln Blvd., Room 413
Oklahoma City, Oklahoma 73105-4897

Representative John Paul Jordan
2300 N. Lincoln Blvd., Room 328B
Oklahoma City, Oklahoma 73105-4897

RE: Ballot Title for State Question No. 790, Legislative Referendum No. 369

Dear Sirs:

In accordance with the provisions of 34 O.S.2015, § 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:
The statutorily required function of a ballot's title is to explain the effect of the proposition. The Proposed Ballot Title indicates that it is a repeal of Article 2, Section 5 of the Oklahoma Constitution, but does not fully explain what that provision prohibits or the effect of that provision's repeal.

Having found that the ballot title does not comply with applicable laws, we will, in accordance with the provisions of 34 O.S. 2015, § 9(C), within ten business days, prepare a Preliminary Ballot Title which complies with the law and furnish a copy to each of you.

Sincerely,

[Signature]

E. Scott Pruitt
Attorney General

ESP/cr
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 Rob Standridge  
2300 N. Lincoln Blvd., Room 417A  
Oklahoma City, Oklahoma 73105-4897

Senator Josh Brecheen  
2300 N. Lincoln Blvd., Room 413  
Oklahoma City, Oklahoma 73105-4897

Representative John Paul Jordan  
2300 N. Lincoln Blvd., Room 328B  
Oklahoma City, Oklahoma 73105-4897

RE: Ballot Title for State Question No. 790, Legislative Referendum No. 369

Dear Sirs:

On May 4, 2016, we notified you that the Proposed Ballot Title for the above-referenced State Question did not comply with the requirements of 34 O.S.2015, § 9(C). In accordance with Section 9(C), we have prepared the following Preliminary Ballot Title. The Preliminary Ballot Title reads as follows:
PRELIMINARY BALLOT TITLE FOR STATE QUESTION NO. 790

This measure would remove Article 2, Section 5 of the Oklahoma Constitution, which prohibits the government from using public money or property for the direct or indirect benefit of any religion or religious institution. Article 2, Section 5 has been interpreted by the Oklahoma courts as requiring the removal of a Ten Commandments monument from the grounds of the State Capitol. If this measure repealing Article 2, Section 5 is passed, the government would still be required to comply with the Establishment Clause of the United States Constitution, which is a similar constitutional provision that prevents the government from endorsing a religion or becoming overly involved with religion.

SHALL THE MEASURE BE APPROVED?

FOR THE MEASURE – YES

AGAINST THE MEASURE – NO

Respectfully submitted,

E. Scott Pruitt
Attorney General
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  
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Senator Rob Standridge  
2300 N. Lincoln Blvd., Room 417A  
Oklahoma City, Oklahoma 73105-4897

Senator Josh Brecheen  
2300 N. Lincoln Blvd., Room 413  
Oklahoma City, Oklahoma 73105-4897

Representative John Paul Jordan  
2300 N. Lincoln Blvd., Room 328B  
Oklahoma City, Oklahoma 73105-4897

RE: Final Ballot Title for State Question No. 790, Legislative Referendum No. 369

Dear Sirs:

On May 4, 2016, we notified you that the Proposed Ballot Title for the above-referenced State Question did not comply with the requirements of 34 O.S.Supp.2015, § 9(C), and on May 11, 2015, we prepared a preliminary ballot title in accordance with that Section. We have now prepared the following Final Ballot Title also in accordance with Section 9(C). The Final Ballot Title reads as follows:
FINAL BALLOT TITLE FOR STATE QUESTION NO. 790

This measure would remove Article 2, Section 5 of the Oklahoma Constitution, which prohibits the government from using public money or property for the direct or indirect benefit of any religion or religious institution. Article 2, Section 5 has been interpreted by the Oklahoma courts as requiring the removal of a Ten Commandments monument from the grounds of the State Capitol. If this measure repealing Article 2, Section 5 is passed, the government would still be required to comply with the Establishment Clause of the United States Constitution, which is a similar constitutional provision that prevents the government from endorsing a religion or becoming overly involved with religion.

SHALL THE MEASURE BE APPROVED?

FOR THE MEASURE – YES

AGAINST THE MEASURE – NO

Respectfully submitted,

E. Scott Pruitt
Attorney General
May 31, 2016

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

Re: State Question 790, Legislative Referendum 369
Subject: Constitutional prohibition against public expenditure and property use for religious purposes

Dear Secretary Ziriax:

In accordance with the provisions of 34 O.S. § 9(C)(2), I herewith transmit State Question 790, Legislative Referendum 369 and attest that the enclosed copy of Senate Joint Resolution 72 is a true and accurate copy of the measure on record with this office. Also enclosed is the Final Ballot Title as prepared by the Attorney General.

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

Sincerely,

Chris Benge
Secretary of State and
Native American Affairs

Enclosures: State Question 790, Legislative Referendum 369 (SJR72)
Attorney General's Final Ballot Title – SQ790
May 31, 2016

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

Re: State Question 790, Legislative Referendum 369
   Subject: Constitutional prohibition against public expenditure and property use for religious purposes

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. Please find enclosed a copy of the transmittal letter and a file stamped copy of the Attorney General’s Final Ballot Title.

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

Sincerely,

Chris Benge
Secretary of State and
Native American Affairs

Enclosures: Copy of Transmittal Letter to Secretary of the State Election Board – SQ790
Copy of Attorney General’s Final Ballot Title – SQ790
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 369, State Question 790, 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 repeals Section 5 of Article II of the Oklahoma Constitution.

This section prohibits the use of public monies or property for sectarian or religious purposes.

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 22nd day of August, 2016.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

MARY FALLIN

ATTEST

CHRIS BENGE, 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 ZIRIAN, Secretary
State Election Board

Receipt of the above hereby is acknowledged on this ___day of November, 2016.

By: 0000
Time: 2:00 pm
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
STATE QUESTION NO. 792
LEGISLATIVE REFERENDUM NO. 370

YES:  939,848
NO:   492,422